

Law of the Republic of Kazakhstan of June 19, 1995, № 2337

On the Legal Status of Foreigners

(with amendments and additions as of 10.12.2013)

On the changes to the current Code, see:

Law of the RK of 03.07.14 №227 – V (coming into force January 1, 2015).

The Act Form and the Title are presented in the wording of the Law of the RK of 12.01.07, № 227-III (see the previous version.)

Section I. General Provisions

(Articles 1 - 5)

Section II. Basic Rights, Freedoms and Responsibilities of Foreigners in the Republic of Kazakhstan

(Articles 6 - 20)

Section III. Entry into the Republic of Kazakhstan and Departure of Foreigners from the Republic of Kazakhstan

(Articles 21 - 24)

Section IV. Liability of Foreigners, Reduction of the Term of Stay, Deportation

(Articles 25 - 28)

(Articles 29 - 31)

Section V. Concluding Provisions

Table of Contents is missing in the original document.

The Preamble is excluded in line with the Law of the RK of 12.01.07, № 227-III (See the previous version)

Across the entire text grammatical forms of the word « of the Decree/Ukaz», «by the Decree», «Decree», are changed for respective grammatical forms of the word «of the Law», «by the Law», «Law»; grammatical forms of the word combination «of foreign nationals», «Foreign Nationals», «by foreign nationals», «foreign nationals», «to foreign nationals» are changed respectively for words «of foreigners», «by foreigners», «Foreigners» «to a foreigner», «to a Foreigner», «a Foreigner» in line with the Law of the RK of 12.01.07, № 227-III (see the previous version)

Section I. GENERAL PROVISIONS

Article 1 bears amendments in line with the Law of the RK of 12.01.07, № 227-III (see the previous version)

Article 1. Legislation on Legal Status of Foreigners in the Republic of Kazakhstan

Legislation of the Republic of Kazakhstan on the legal status of foreigners shall be based on the Constitution of the Republic of Kazakhstan and shall specify basic rights and responsibilities of foreigners according to it, the procedure of their entry into the Republic of Kazakhstan, their stay and movement across its territory and exit from the Republic of Kazakhstan.

Legislation on the legal status of foreigners in the Republic of Kazakhstan consists of the given Law and other legislative acts of the Republic of Kazakhstan.

Legal status of foreigners in the Republic of Kazakhstan may be also determined by international treaties of the Republic of Kazakhstan.

Should international treaties ratified by the Republic of Kazakhstan set rules other than those in the given Law then the norms of the international treaties shall be applied.

Article 2. Foreigners and Stateless Persons in the Republic of Kazakhstan

Individuals who are not citizens of the Republic of Kazakhstan and have evidence that they are citizens of another state shall be recognized foreigners in the Republic of Kazakhstan.

Individuals who are not citizens of the Republic of Kazakhstan and do not have evidence that they are citizens of another state shall be recognized as stateless persons.

Article 3. Principles of Legal Status of Foreigners in the Republic of Kazakhstan

Foreigners in the Republic of Kazakhstan shall enjoy all the rights and freedoms and also bear all the responsibilities specified by the Constitution, laws and international treaties of the Republic of

Kazakhstan, with the exception of cases stipulated by laws and international treaties of the Republic of Kazakhstan.

Foreigners in the Republic of Kazakhstan are equal before the law regardless their origin, social and property status, race and nationality, gender, education, language, religious beliefs, and the type and nature of their occupation.

The exercise of rights and freedoms by foreigners shall not be detrimental to the interests of the Republic of Kazakhstan and the rights and legal interests of its citizens and other people, and shall be inseparable from implementation of foreigners' responsibilities specified by the legislation of the Republic of Kazakhstan.

Article 4 bears changes introduced in line with the [Law](#) of the RK of 01.03.01, № 160-II; the [Law](#) of the RK of 16.03.2001, № 164-II ([see the previous version](#)); the [Law](#) of the RK of 02.03.06, № 131-III ([see the previous version](#)); it is represented in the wording of the [Law](#) of the RK of 12.01.07, № 227-III ([see the previous version](#)); Article 4 bears changes introduced in line with the [Law](#) of the RK of 10.12.13 № 153-V ([see the previous version](#)).

Article 4. Foreigners Permanently Residing and Temporary Staying in the Republic of Kazakhstan

Foreigners who have obtained permission and a document certifying their right to permanent residence in the [procedure](#) specified by the Government of the Republic of Kazakhstan shall be recognized as foreigners permanently residing in the Republic of Kazakhstan.

With the exception of ethnic kazakhs, who came to the regions specified by the Government of the Republic of Kazakhstan as for the resettlement of oralmans, persons born nationals or earlier being nationals of the Republic of Kazakhstan, and nationals of the Kazakh Soviet Socialist Republic and members of their families, a mandatory condition for obtaining permission for permanent residence in the Republic of Kazakhstan shall be confirmation of solvency by the persons seeking such permission in the [procedure and amount](#) determined by the Government of the Republic of Kazakhstan.

Foreigners staying in the Republic of Kazakhstan on another legal basis and recognized victims of a crime committed against them and qualified in compliance with the [Criminal Code](#) of the Republic of Kazakhstan as a grave crime or felony shall be considered temporarily staying in the Republic of Kazakhstan. They shall have to get register under the set procedure, or leave the Republic of Kazakhstan upon expiration of the term of stay specified for them.

Article 5 bears amendments introduced in line with the [Law](#) of the RK of 12.01.07, № 227-III ([see the previous version](#))

Article 5. Granting of Asylum

The Republic of Kazakhstan shall grant the right of asylum to foreigners who are victims of human rights violations.

The President of the Republic of Kazakhstan resolves issues related to the granting of political asylum.

Section II. BASIC RIGHTS, FREEDOMS AND RESPONSIBILITIES OF FOREIGNERS IN THE REPUBLIC OF KAZAKHSTAN

Article 6 bears amendments introduced in line with the [Law](#) of the RK of 16.03.2001, № 164-II ([see the previous version](#)); [Law](#) of the RK of 12.01.07, № 227-III ([see the previous version](#))

Article 6. Labor Activity and Leisure

Foreigners may carry out labor activity in the Republic of Kazakhstan on the basis of, and in the procedure specified by, the [legislation](#) and international treaties of the Republic of Kazakhstan. Restrictions with regards to labor activity of foreigners may be put in place in the Republic of Kazakhstan to secure the implementation of constitutional rights of the citizens of Kazakhstan related to freedom of labor as stipulated in legislative acts.

Foreigners shall not be appointed to [certain positions](#) nor shall they carry out certain types of labor activity should the appointment to these positions or performance of a certain type of activity be linked with citizenship of the Republic of Kazakhstan according to legislation of the Republic of Kazakhstan.

Foreigners permanently residing in the Republic of Kazakhstan shall enjoy the same rights and shall bear the same responsibilities in labor relations as citizens of the Republic of Kazakhstan.

Foreigners temporary arriving to the Republic of Kazakhstan may be the subjects of private business. However business activity in the form of subjects of small and medium business without an existing legal entity shall not be allowed.

Foreigners staying in the Republic of Kazakhstan shall have the right to leisure on an equal basis with the citizens of the Republic of Kazakhstan.

See [Answer of the Chairman of the TC MoF RK of October 20, 2009 to the question of September 28, 2009, № 20077 \(e.gov.kz\)](#)

Article 7 bears amendments introduced in line with the [Law of the RK of 16.07.09, № 186-IV \(see the previous version\)](#)

Article 7. Healthcare

In the sphere of healthcare foreigners and stateless persons staying on the territory of the Republic of Kazakhstan shall enjoy the rights and freedoms and also bear responsibilities stipulated for citizens unless otherwise stated in laws of the Republic of Kazakhstan and international treaties.

Healthcare shall be rendered to foreigners temporarily residing in the Republic of Kazakhstan according to the procedure specified by the health authorities of the Republic of Kazakhstan.

Article 8 bears amendments introduced in line with the [Law № 134-I](#)

Article 8. Social Security and Pension Benefits

Foreigners permanently residing on the territory of the Republic of Kazakhstan shall enjoy the same rights and bear the same responsibilities as citizens of the Republic of Kazakhstan with regards to social security and pension benefits.

Should the award of pension payments or allowances require a certain period of work, the term of service of foreigners abroad shall be calculated on the basis and in the procedure specified by the [legislation](#) and international treaties of the Republic of Kazakhstan.

Part Two of Article 9 bears additions in line with the [Law of the RK, № 160-II of 01.03.01](#).

Article 9. The Right to Housing, other Property, and Personal Non-Property Rights

Foreigners permanently residing in the Republic of Kazakhstan shall have the same rights and bear the same responsibilities as citizens of the Republic of Kazakhstan with regards to housing.

Foreigners may possess housing in the Republic of Kazakhstan based on the right of ownership (with the exception of temporarily residing foreigners) and other property, they may possess copyrights to works of science, literature and arts, discovery, invention, innovation, and industrial prototypes, as well as other property rights and personal non-property rights, with the exception of cases specified by legislative acts of the Republic of Kazakhstan.

Should a foreign national who is not permanently residing in Kazakhstan inherit real estate on the territory of the RK he/she shall have to alienate this property in the space of one year - see [answer of the Ministry of Justice of the RK of July 7 2010](#).

Foreigners permanently residing in the Republic of Kazakhstan shall enjoy their property and personal non-property rights on an equal basis with citizens of the Republic of Kazakhstan.

Foreigners temporarily residing in the Republic of Kazakhstan shall have the right to use property and personal non-personal rights on the basis and in the procedure stipulated by legislation and international treaties of the Republic of Kazakhstan.

Article 10 bears amendments introduced in line with the [Law of the RK of 16.03.2001, № 164-II \(see the previous version\)](#); it is presented in the wording of the [Law of the RK of 27.07.07, № 320-III \(see the previous version\)](#)

Article 10. Obtaining Education

Foreigners and stateless persons permanently residing in the Republic of Kazakhstan shall have the same rights as citizens of the Republic of Kazakhstan to pre-school, primary, basic secondary and general secondary education in the procedure specified by [legislation](#) of the Republic of Kazakhstan in the sphere of education.

Stateless persons permanently residing in the Republic of Kazakhstan shall be granted the right to free technical and vocational, post-secondary, higher and post-graduate education on competitive basis and according to state educational order provided that they are obtaining education at each of these levels for the first time.

The right of foreigners to free technical and vocational, post-secondary, higher and postgraduate education on a competitive basis and according to the state educational order shall be guided by international treaties of the Republic of Kazakhstan.

Foreigners admitted to educational institutions shall have the rights and bear the responsibilities of students and pupils in compliance with the legislation of the Republic of Kazakhstan.

Article 11. Use of Cultural Achievements

Foreigners in the Republic of Kazakhstan shall have the right to use cultural achievements equally with the citizens of the Republic of Kazakhstan. They must exercise care with regards to historical and cultural memorials and other cultural treasures.

Article 12. Participation in Public Associations

Foreigners permanently residing in the Republic of Kazakhstan shall have the right to join public associations except political parties and public associations pursuing political goals, and provided their membership does not contradict the charters (provisions) of these associations.

Formation of a public association may be initiated only by nationals of Kazakhstan – see the [answer](#) of the Minister of Justice of the RK of April 12, 2011

Article 13. Freedom of Conscience

Foreigners residing in the Republic of Kazakhstan shall be guaranteed freedom of conscience on an equal basis with the citizens of the Republic of Kazakhstan.

Stirring up hostility and hatred on the basis of religious beliefs shall be prohibited.

Article 14. Matrimonial and Family Relations

Foreigners in the Republic of Kazakhstan may conclude and dissolve marriages with citizens of the Republic of Kazakhstan and other persons and shall enjoy rights and bear responsibilities in matrimonial and family relations equally with citizens of the Republic of Kazakhstan in accordance with the [legislation](#) and international treaties of the Republic of Kazakhstan.

Refusal to register marriage under the reason that both the spouses are foreigners shall be unlawful - see the [answer](#) of the Minister of Justice of the RK of May 21, 2010

Article 15. Inviolability of Home, Honor and Dignity of an Individual

Foreigners in the Republic of Kazakhstan shall be guaranteed inviolability of home, honor and dignity of an individual.

Article 16. Movement across the Territory of the Republic of Kazakhstan and Choice of Place of Residence

Foreigners may freely move across the territory of the Republic of Kazakhstan that is open for visits by foreigners and may choose their place of residence pursuant to the procedure specified in the legislation of the Republic of Kazakhstan. [Restriction of movement](#) and choice of residency shall be stipulated in the acts of authorized bodies of the Republic of Kazakhstan when necessary to ensure national security, public order, the health and morals of the population, and the protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons.

Article 17. Taxes and Dues

Foreigners shall be liable for taxes and dues in the Republic of Kazakhstan on an equal basis with citizens of the Republic of Kazakhstan, unless otherwise stipulated in the [legislation](#) and international treaties of the Republic of Kazakhstan.

Article 18. Protection of the Rights of Foreigners

Foreigners in the Republic of Kazakhstan shall have the right to go to court and appeal to other government agencies for protection of their property and non-property rights.

Foreigner shall enjoy procedural rights in the court on an equal basis with citizens of the Republic of Kazakhstan except in cases stipulated by international treaties of the Republic of Kazakhstan.

Article 19. Restrictions in Electoral Rights

Foreigners in the Republic of Kazakhstan shall not elect or be elected to representative agencies of state entities or service, and shall not participate in a republic referendum.

Article 20 is represented in the wording of the [Law of the RK of 12.01.07, № 227-III \(see the previous version\)](#)

Article 20. Military Service Status

Military service obligations are not applicable to foreigners permanently residing on the territory of the Republic of Kazakhstan.

Section III. ENTRY INTO THE REPUBLIC OF KAZAKHSTAN AND DEPARTURE OF FOREIGNERS FROM THE REPUBLIC OF KAZAKHSTAN

Article 21. Setting Rules of Entry to the Republic of Kazakhstan, departure from the Republic of Kazakhstan and Transit Travel through the Territory of the Republic of Kazakhstan

The rules on the entry of foreigners into the Republic of Kazakhstan, their departure from Kazakhstan and their transit through the territory of Republic of Kazakhstan shall be set by the given Law and other acts of the [legislation of the Republic of Kazakhstan](#).

Article 22 is represented in the wording of the [Law of the RK of 12.01.07, № 227-III \(see the previous version\)](#); amendments have been introduced in line with the [Law of the RK of 22.07.11, № 478-IV \(see the previous version\)](#); represented in the wording of the [Law of the RK of 10.12.13., № 153-V \(see the previous version\)](#).

Article 22. Entry to the Republic of Kazakhstan

Foreigners shall enter the Republic of Kazakhstan using a valid foreign passport or substituting documents, and an entry visa of the Republic of Kazakhstan unless otherwise specified by an agreement between the Republic of Kazakhstan and respective party or by the Government of the Republic of Kazakhstan.

Entry to the Republic of Kazakhstan shall be prohibited to a foreigner:

- 1) in the interests of the national security, protection of public order or the health of the population;
- 2) should his/her activity be aimed at forced change of the constitutional order;
- 3) if he/she acts against the sovereignty of the Republic of Kazakhstan, calls for the violation of unity and integrity of its territory;
- 4) if he/she stirs up interethnic hatred and religious strife;
- 5) should it be necessary for the protection of the rights and legal interests of citizens of the Republic of Kazakhstan and other persons;
- 6) if he/she is a member of a terrorist or extremist organization; if he/she is convicted for terrorist or extremist activity or is recognized by the court to be an especially dangerous recidivist;
- 7) if he/she failed to pay the fine for the administrative or criminal offence, imposed on him/her during the previous stay in the Republic of Kazakhstan.
- 8) if he/she failed to submit declaration of individual income tax, during their last stay in the Republic of Kazakhstan, in case submission of such declaration is required by the current legislation of the Republic of Kazakhstan;
- 9) if he/she has failed to present evidence of the availability of funds required for staying and departing from the Republic of Kazakhstan according to the rules set by the Government of the Republic of Kazakhstan, with the exception of oralmans, individuals born or earlier being a national of the Republic of Kazakhstan or the Kazakh Soviet Socialist as well as members of their families
- 10) should he/she submit false personal data or fail to present required documents within the time limits specified by the legislation of the Republic of Kazakhstan;
- 11) if the person has a disease, which is incompatible with an entry to the Republic of Kazakhstan.

Foreigners that have previously been deported from the Republic of Kazakhstan shall be prohibited to re-enter the Republic of Kazakhstan for a period of five years from the date of their deportation.

Applications on the invitation of foreigners to the Republic of Kazakhstan shall be refused, if the hosting persons were prosecuted for following reasons: failing to register the immigrants, failing to submit proper documents granting the immigrants the right to stay in the Republic of Kazakhstan, movement of immigrants around the country and their departure within the predefined date.

Foreigners shall obtain migration cards upon their entry into the Republic of Kazakhstan according to the procedure stipulated by the Government of the Republic of Kazakhstan.

When entering the Republic of Kazakhstan, foreigners are given the migration cards, in accordance with the procedure set by the Government of Kazakhstan.

An entry visa or other appropriate documents shall be issued by diplomatic missions and consulates of the Republic of Kazakhstan or in individual cases by specially authorized representatives of the Republic of Kazakhstan.

The basis for issuance of a visa shall be an invitation letter from the hosting party or permission from specially authorized public bodies of the Republic of Kazakhstan, unless otherwise stipulated in international treaties of the Republic of Kazakhstan.

See also: [Rules](#) of issuance of visas of the Republic of Kazakhstan, on procedure of applying the Rules of Entry and Stay of Foreign Nationals in the Republic of Kazakhstan, as well as their Departure from the Republic of Kazakhstan and Organization of Operational Official Activity of the Internal Affairs Bodies Aimed to Prevent and Suppress Illegal Migration of Foreign Nationals to the Territory of the Republic of Kazakhstan, [Rules](#) of Entry and Stay of Foreign Nationals in the Republic of Kazakhstan As Well As Their Exit from the Republic of Kazakhstan.

Article 23 bears amendments in line with the [Law](#) of the RK of 10.12.13., № 153-V ([see the previous version](#)).

Article 23. Departure from the Republic of Kazakhstan

Foreigners shall depart the Republic of Kazakhstan using their valid foreign passports or substituting documents in the presence of exit visas issued by the specially authorized public bodies of the Republic of Kazakhstan unless otherwise is specified by the agreement with a respective party.

Departure from the Republic of Kazakhstan shall be prohibited for a foreigner:

- a) provided there are grounds to call him/her to criminal liability – until proceedings on the cases are finalized;
- b) should there be conviction for a crime – until the completion of the sentence or remission of penalty;
- c) provided he/she eludes the fulfillment of obligations imposed upon him/her by the court – until the implementation of obligations;
- d) Eliminated under the [Law](#) of the RK of 07.12.09, № 222-IV ([see the previous version](#))

Departure from the Republic of Kazakhstan may be postponed until the fulfillment of property obligations that are of significant interest to the people of the Republic of Kazakhstan, and other physical and legal entities.

See also: [Instruction](#) on application of the Rules of Entry and Stay of Immigrants in the Republic of Kazakhstan As Well As Their Exit form the Republic of Kazakhstan.

Article 24. Transit Travel

Foreigners transiting through the territory of the Republic of Kazakhstan shall proceed to the border transit exit point according to the Rules of Transit Travel, along the prescribed route, and may have stops on the territory of the Republic of Kazakhstan only in sites specified by the Kazakhstan [transit visas](#), and in the presence of permission issued by the [specially authorized public bodies](#) of the Republic of Kazakhstan.

Section IV. LIABILITY OF FOREIGNERS, REDUCTION OF THE TERM OF STAY, DEPORTATION

Article 25. Grounds for Liability for the Breach of a Law

Foreigners who have committed a crime or administrative or other type violation on the territory of the Republic of Kazakhstan shall be held liable on an equal basis with citizens of the Republic of Kazakhstan, with the exception of cases stipulated in international treaties of the Republic of Kazakhstan.

Article 26 bears amendments introduced in line with the [Law](#) of the RK of 12.01.2007, № 227-III ([see the previous version](#))

Article 26. Liability for the Violation of the Rules of Stay in the Republic of Kazakhstan and Transit Travel through the Territory of the Republic of Kazakhstan

Foreigners who have violated the Rules of Stay in the Republic of Kazakhstan, i.e. residing without the residence permits or residing under the invalid documents, disregarding the order stipulated for registration or movement and choice of residency, avoiding departure upon completion of their specified term of stay, as well as violating the Rules of Transit Through the Territory of the Republic of Kazakhstan, shall bear administrative responsibility according to the [laws](#) of the Republic of Kazakhstan.

Gross violation of the Rules of Stay in the Republic of Kazakhstan and Transit Travel through the Territory of the Republic of Kazakhstan by foreigners shall entail criminal responsibility stipulated by the [Laws](#) of the Republic of Kazakhstan.

Article 27 bears amendments introduced in line with the [Law](#) of the RK of 12.01.2007, № 227-III ([see the previous version](#))

Article 27. Reduction of the Term of Stay in the Republic of Kazakhstan

A foreigner violating the legislation on the legal status of foreigners may be subject to the reduction of their set period of stay in the Republic of Kazakhstan. The term of stay of a foreigner in the Republic of Kazakhstan may also be reduced provided there are no reasons for his/her further stay.

Article 28 bears amendments introduced in line with the [Law](#) of the RKPK of 16.03.2001, № 164-II ([see the previous version](#)); [Law](#) of the RK of 10.11.01, № 255-II ([see the previous version](#)); [Law](#) of the RK of 12.01.2007, № 227-III ([see the previous version](#)); [Law](#) of the RK of 07.12.09, № 222-IV ([see the previous version](#)); [Law](#) of the RK of 22.07.11, № 478-IV ([see the previous version](#)); [Law](#) of the RK of 13.06.13, № 102-V ([see the previous version](#));

Article 28. Deportation from the Republic of Kazakhstan

A foreigner may be deported from the Republic of Kazakhstan:

- a) if his/her activities are against the interests of national security or public order protection;
- b) should it be necessary for the protection of health and morals of the population, or protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons;
- c) if he/she has violated the legislation of the Republic of Kazakhstan;
- d) if his/her marriage is recognized invalid according to the [procedure](#) specified by legislative acts, and the marriage was with a citizen of the Republic of Kazakhstan and was the basis for the granting of permission for permanent residence in the Republic of Kazakhstan.

Decision on deportation shall be made by the duly authorized public bodies of the Republic of Kazakhstan or the court. A foreigner shall have to leave the Republic of Kazakhstan within the time period specified in the decision. Execution of the court decision on deportation from the Republic of Kazakhstan in this case shall be performed through controlled independent departure of a person being deported from the Republic of Kazakhstan. Should a person to be deported during the specified time period under the decision made stay on the territory of the Republic of Kazakhstan he/she shall be subject to arrest or forced deportation under the authorization of the prosecutor. In this case arrest shall be allowed only for the term required for deportation. Meanwhile he/she shall be kept in special facilities of the internal affairs bodies according to the [procedure](#) set by the Government of the Republic of Kazakhstan.

The entity in charge of population migration issues and the executing of court decisions on forced deportation shall hand over this foreigner or stateless person being deported to the border service bodies of the Republic of Kazakhstan at a checkpoint on the State Border for official transfer of the foreigner or the stateless person to a representative of authorities of a foreign state, to the territory of which the aforementioned person is being deported.

The Article contradicts ACRK and Civil Procedure Code and is not subject to application. A normative ruling by the Supreme Court of the Republic of Kazakhstan from December 13, 2013, №4 “On the court practices of examining cases on expulsion of foreigners or stateless persons from the Republic of Kazakhstan”. See also: [ACRK](#)

Section V. CONCLUDING PROVISIONS

Article 29. Operation of the Given Law with Regards to Stateless Persons

Provisions of the given Law shall be applied to stateless persons unless otherwise is stipulated by legislative acts of the Republic of Kazakhstan.

Article 30. Limitation on the Purview of the Given Law

Provisions of the given Law shall not interfere with the privileges and immunities stipulated by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan for heads of diplomatic missions and consulates.

Article 31. Regulations for Enforcement of the Given Law

The given Law shall go into effect on the day of its publication.

President
Of the Republic of Kazakhstan

N. NAZARBAEV