

**Decree of the President Republic of Kazakhstan having the force of law
No. 2337 of 19.06. 1995**

“On legal status of foreign citizens in the Republic of Kazakhstan”

(amended in accordance with the Laws RK No.134-I of 19.06.97, No. 160-II of 01.03.01, No. 164-II of 16.03.2001, No. 255-II of 10.11.01)

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In accordance with Article 1 of the Law of the Republic of Kazakhstan of 10.12.93 “On temporary delegation to the President of the Republic of Kazakhstan and heads of local administrations of additional powers” and for the purpose of regulation of a legal status of foreign citizens in the Republic of Kazakhstan, I issue this Decree.

Chapter 1. General provisions

Article 1. Legislation on a legal status of foreign citizens in the Republic of Kazakhstan

The legislation of the Republic of Kazakhstan on a legal status of foreign citizens is based upon the Constitution of the Republic of Kazakhstan and determines in accordance with it basis rights and obligations of foreign citizens, the procedure of their entry the Republic of Kazakhstan, stay and movement on its territory and departure from the Republic of Kazakhstan.

The legislation on a legal status of foreign citizens in the Republic of Kazakhstan consists of this Decree and other acts of the legislation of the Republic of Kazakhstan.

The legal status of foreign citizens in the Republic of Kazakhstan may also be determined by international treaties of the Republic of Kazakhstan.

If international treaties stipulate regulations other than that contained in this Decree, regulations of international treaties are applied.

Article 2. Foreign citizens and stateless persons in the Republic of Kazakhstan

Foreign citizens in the Republic of Kazakhstan are persons who are not citizens of the Republic of Kazakhstan and who have proofs of their belonging to the citizenship of other state.

Persons who are not citizens of the Republic of Kazakhstan who have not proofs of their belonging to the citizenship of other state are recognized as stateless persons.

Article 3. Principles of the legal status of foreign citizens in the Republic of Kazakhstan

Foreign citizens in the Republic of Kazakhstan have all rights and freedoms and bear all obligations established by the Constitution, laws and international treaties of the Republic of Kazakhstan, except for cases foreseen by laws and international treaties.

Foreign citizens in the Republic of Kazakhstan are equal before the law irrespective of their origin, social and property state, racial and national belonging, sex, education, language, attitude towards religion, type and nature of occupation.

Enjoying by foreign citizens of rights and freedoms must not damage the interests of the Republic of Kazakhstan, rights and lawful interests of its citizens and other persons and is not inseparable of fulfillment by them of obligations established by the legislation of the Republic of Kazakhstan.

*Article 4. has been added with part 2 in accordance with the Law RK No. 160-II of 01.03.01.
Part 1 of Article 4 is stated in edition of the Law RK No. 164-II of 16.03.01) (see previous edition)*

Article 4. Foreign citizens who permanently reside and stateless persons having permission in the Republic of Kazakhstan

As permanently residing in the Republic of Kazakhstan are recognized foreign citizens and stateless persons who have permission for such and a residence permit of a foreign citizen or an identity card of a stateless person issued by organs of internal affairs.

The obligatory condition of the provision of permission for permanent residence in the Republic of Kazakhstan is confirmation by a person who claims receiving of such permission of its solvency in the period of stay in the Republic of Kazakhstan in order established by the Government of the Republic of Kazakhstan.

Foreign citizens who stay in the Republic of Kazakhstan on other lawful ground are considered as temporarily staying persons. They must get registered in the established order and depart from the Republic of Kazakhstan upon expiry of a term defined for them.

Article 5. Provision with asylum

The Republic of Kazakhstan provides with the rights to asylum to foreign citizens and stateless persons who have become victims of violation of human rights.

Issues related to the provision of political asylum are solved by the President of the Republic of Kazakhstan.

Also see the Decree of the President RK № 3057 of the 15.07.96 "On order of the provision with political asylum to foreign citizens and stateless persons", the Resolution of the Government RK № 430 of the 27.03.97 "On approval of a specimen of certificate of political asylum to foreign citizens and stateless persons in RK and its description", instructions of the Ministry of Foreign Affairs RK of 03.04.97 "On order of the provision with political asylum to foreign citizens and stateless persons" and instructions "On order of review by organs of internal affairs of materials related to the provision with political asylum to foreign citizens and stateless persons"

Chapter 2. Basic rights, freedoms and obligations of foreign citizen in the Republic Kazakhstan

Article 6. has been added in accordance with the Law RK No. 164-II of 16.03.01. (see previous edition)

Article 6. Labor activity and recreation

Foreign citizens may exercise labor activity in the Republic of Kazakhstan on the basis and in order established by the legislation and international treaties of the Republic of Kazakhstan. for the purpose of providing realization of the constitutional right of citizens of the Republic of Kazakhstan to freedom of labor by legislative acts may be established restrictions for labor activity of foreign citizens in the Republic of Kazakhstan.

Foreign citizens may not be appointed to certain positions or exercise a certain type of labor activity, if in accordance with the legislation of the Republic of Kazakhstan the appointment to these positions and exercising such type of activity are connected with belonging to the citizenship of the Republic of Kazakhstan. For example, state service.

Foreign citizens who permanently reside in the Republic of Kazakhstan in labor relations have the same rights and bear the same obligations as the citizens of the Republic of Kazakhstan.

Foreign citizens who stay in the Republic of Kazakhstan have the right to recreation on common grounds as the citizens of the Republic of Kazakhstan.

Article 7. Health protection

Foreign citizens who stay on the territory of the Republic of Kazakhstan in the sphere of health protection have the same rights and bear the same obligations as the citizens of the Republic of Kazakhstan.

Foreign citizens who temporarily stay in the Republic of Kazakhstan receive medical assistance in order established by the organ of the Ministry of Health Care of the Republic of Kazakhstan.

*Article 8 has been amended in accordance with the **Law № 134- I***

Article 8. Social and pension provision

Foreign citizens who permanently reside in the Republic of Kazakhstan as to issues of social and pension provision have the same rights and bear the same obligations as the citizens of the Republic of Kazakhstan.

In the cases when for assignment of pension and pension payments and allowances there are required certain length of work, for foreign citizens the length of work abroad may be accounted on the basis and in order established by the legislation and international treaties of the Republic of Kazakhstan.

*Part 2 of article 9 is added in accordance with the **Law RK № 160- II of 01.03.01***

Article 9. Right to housing, other property and personal non-property rights

Foreign citizens who permanently reside in the Republic of Kazakhstan as to housing relations have the same rights and bear the same obligations as the citizens of the Republic of Kazakhstan.

Foreign citizens may have in Republic of Kazakhstan by the right of property a housing (except for those who temporarily stay) and other property, have the copy right to works of literature and arts, inventions, discoveries, innovations of industrial standard as well as other property and personal non-property rights, except for cases established by legislative acts of the Republic of Kazakhstan.

Foreign citizens who permanently reside in the Republic of Kazakhstan enjoy their property and personal non-property rights *pari passu*.

Foreign citizens who temporarily stay in the Republic of Kazakhstan have the right to exercise property and personal non-property rights on the basis and in order established by the legislation and international treaties of the Republic of Kazakhstan.

Article 10 has been amended in accordance with the Law RK No. 164-II of 16.03.01 (see previous edition)

Article 10. Education

Foreign citizens who permanently reside in the Republic of Kazakhstan have the right to acquire education along with citizens of the Republic of Kazakhstan in order established by the legislation of the Republic of Kazakhstan. In order to ensure realization of the constitutional right of citizens of the Republic of Kazakhstan to acquire education, legislative acts may impose restrictions on acquiring free higher education by foreign citizens in the Republic of Kazakhstan.

Foreign citizens who temporarily stay on the territory of the Republic of Kazakhstan may acquire education in the Republic of Kazakhstan in order stipulated by international treaties of the Republic of Kazakhstan.

Foreign citizens enrolled in educational institutions have the right and bear obligations of pupils and students in accordance with the legislation of the Republic of Kazakhstan.

Article 11. Use of culture achievements

Foreign citizens in the Republic of Kazakhstan have the right on use of culture achievements along with citizens of the Republic of Kazakhstan. They must treat with care monuments of history and culture and other cultural values.

Article 12. Participation in public associations

Foreign citizens who permanently reside in the Republic of Kazakhstan have the right to join public associations except for political parties and public associations pursuing political aims and if it does not contrary to by-laws (provisions) of such associations.

Article 13. Freedom of conscience

Foreign citizens who stay in the Republic of Kazakhstan are guaranteed freedom of conscience along with citizens of the Republic of Kazakhstan.

It is forbidden to rouse enmity and hatred in connection with religious beliefs.

Article 14. Marriage and family relations

Foreign citizens in the Republic of Kazakhstan may enter into and dissolve a marriage with citizens of the Republic of Kazakhstan and other persons, exercise the rights and bear obligations in marriage and family relations as citizens of the Republic of Kazakhstan in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Article 15. Inviolability of the home, honor and dignity of individual

Foreign citizens in the Republic of Kazakhstan are guaranteed inviolability of the home, honor and dignity of the individual.

Article 16. Movement on the territory of the Republic of Kazakhstan and choice of the place of residence

Foreign citizens may freely move on the territory of the Republic of Kazakhstan open for visiting by foreign citizens and choose a place of residence in accordance with the order established by the

legislation of the Republic of Kazakhstan. Restrictions on movement and choice of the place of residence are established by the acts of authorized state authorities of the Republic of Kazakhstan, when it is necessary for the provision of national security, protection of public order, health and morality of the population, protection of the rights and lawful interests of citizens of the Republic of Kazakhstan and other persons

Article 17. Taxes and duties

Foreign citizens are imposed on by taxes and duties in the Republic of Kazakhstan on the general grounds with citizens of the Republic of Kazakhstan, unless otherwise stipulated by the legislation and international treaties of the Republic of Kazakhstan.

Article 18. Protection of rights of foreign citizens

Foreign citizens in the Republic of Kazakhstan have the right to apply the court and other state authorities to seek the protection of their property and personal non-property rights.

Foreign citizens exercise at the court the procedural law along with citizens of the Republic of Kazakhstan, except for cases stipulated by international treaties of the Republic of Kazakhstan

Article 19. Restrictions on voting rights

Foreign citizens in the Republic of Kazakhstan may not elect and be elected to representative and other elective organs and posts and participate in republican referendums.

Article 20. Attitude towards to military service

Universal military service does not apply to foreign citizens and stateless persons who permanently reside on the territory of the Republic of Kazakhstan

Chapter 3. Entry to the Republic of Kazakhstan and departure from the Republic of Kazakhstan

Article 21. Regulations for entry to the Republic of Kazakhstan, departure from the Republic of Kazakhstan, transit through the territory of the Republic of Kazakhstan

Regulations for entry to the Republic of Kazakhstan by foreign citizens, their departure from the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan are established by this Decree and other acts of the legislation of the Republic of Kazakhstan.

Article 22. Entry to the Republic of Kazakhstan

Foreign citizens may enter the Republic of Kazakhstan on the basis of an effective foreign passports or documents replacing them, if there are entry visa of the Republic of Kazakhstan in place, unless other procedure is established by the agreement of the Republic of Kazakhstan with an appropriate party.

Entry to the Republic of Kazakhstan by a foreign citizen may be not allowed:

- in the interests of providing national security, protection of public order or health of the population;
- if he acts against sovereignty of the Republic of Kazakhstan;
- calls on violation of the unity and integrity of its territory;
- rouses the interstate, interethnic and religious enmity;

- if it is necessary for protection of rights and lawful interests of citizens of the Republic of Kazakhstan and other persons;
- if he is convicted for terrorist activity or recognized by the court as an especially dangerous recidivist;
- if he previously was expelled from the Republic of Kazakhstan;
- if during the previous stay in the Republic of Kazakhstan the facts were established related to violation by him of the legislation on a legal status of foreign citizens in the Republic of Kazakhstan, the customs, currency or other legislation of the republic;
- if during filing a petition on entry he gave wrong information on himself or did not submit required documents.

Entry visas or other relevant documents are issued by diplomatic and consular representations of the Republic of Kazakhstan or, in some cases, by authorized representatives of the Republic of Kazakhstan.

The basis for issue of visas is an invitation of receiving parties and permit of authorized bodies of the Republic of Kazakhstan, unless otherwise stipulated by international treaties of the Republic of Kazakhstan.

See also Instructions on the order of visas of RK, Regulations for entry and stay of foreign citizens in the Republic of Kazakhstan, their departure from the Republic of Kazakhstan, Instructions on the order of application of regulations for entry and stay of foreign citizens in the Republic of Kazakhstan and their departure from the Republic of Kazakhstan.

Article 23. Departure from the Republic of Kazakhstan

Foreign citizens leave the Republic of Kazakhstan on the basis of an effective foreign passports or documents replacing them, if there are entry visa of the Republic of Kazakhstan in place issued by authorized state bodies of the Republic of Kazakhstan, unless other procedure is established by the agreement of the Republic of Kazakhstan with an appropriate party.

Departure of a foreign citizen from the Republic of Kazakhstan is not allowed:

- if there are reasons to call him to criminal liability – till the proceeding is completed;
- if he is convicted for a committed crime – till the service is fulfilled or freeing from punishment;
- if he avoids the fulfillment of liabilities imposed on him by the court;
- on other grounds established by the legislation of the Republic of Kazakhstan.

Departure of a foreign citizen from the Republic of Kazakhstan may be suspended until he fulfills property liabilities with which are connected material interests of citizens of the Republic of Kazakhstan, other individuals and legal entities.

See also Regulations for entry and stay of foreign citizens in the Republic of Kazakhstan, their departure from the Republic of Kazakhstan, Instructions on the order of application of regulations for entry and stay of foreign citizens in the Republic of Kazakhstan and their departure from the Republic of Kazakhstan.

Article 24. Transit

Foreign citizens in transit through the territory of the Republic of Kazakhstan must follow regulations for transit passage to the frontier point of departure from the Republic of Kazakhstan on the established route and may have stops on the territory of the Republic of Kazakhstan only in places stated in Kazakhstan transit visas, if there is permit issued by authorized state bodies of the Republic of Kazakhstan.

Chapter 4. Responsibility of foreign citizens. Reduction in term of stay. Expel

Article 25. Responsibility for violation of the law

Foreign citizens who committed a crime, administrative or other violations on the territory of the Republic of Kazakhstan are subject to responsibility on general grounds along with citizens of the Republic of Kazakhstan, except for cases established by international treaties of the Republic of Kazakhstan.

Article 26. Responsibility for violation of regulations for stay in the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan

Foreign citizens who have violated regulations for stay in the Republic of Kazakhstan, that is to say residing without documents for the right to residence or residing with invalid documents, not observing established procedures for registration or movement and choice of the place of residence, avoiding departure upon expiry of the determined term for stay, not observing regulations for transit through the territory of the Republic of Kazakhstan are subject to administrative responsibility in accordance with the legislation of the Republic of Kazakhstan.

Persistent violations by foreign citizens regulations for stay in the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan are subject to criminal liability stipulated by the legislation of the Republic of Kazakhstan.

Article 27. Reduction in term of stay in the Republic of Kazakhstan

The established term of stay of foreign citizens who violate the legislation on a legal status of foreign citizens in the Republic of Kazakhstan may be reduced. The term of stay in the Republic of Kazakhstan may also be reduced in cases when the reasons for his further stay ceased themselves.

Article 28 has been amended in accordance with the Law RK No. 164-II of 16.03.01; the Law RK No. 255-II of 10.11.01 (see previous edition)

Article 28. Expel from the territory of the Republic of Kazakhstan

Foreign citizens may be expelled from the territory of the Republic of Kazakhstan:

- 1) if his actions contradict the interests of the provision of national security or protection of public order;
- 2) if it is necessary for protection of health and morality of the population, protection of the rights and lawful interests of citizens of the Republic of Kazakhstan and other persons;
- 3) if he has violated the legislation on a legal status of foreign citizens in the Republic of Kazakhstan, customs, currency and other legislation of the Republic of Kazakhstan;
- 4) if marriage is recognized invalid in the order established by the legislative acts, if marriage with a citizen of the Republic of Kazakhstan was a reason to leave him for permanent residence in the Republic of Kazakhstan.

Decision on expel is made by authorized state bodies of the Republic of Kazakhstan. Foreign citizens must leave the Republic of Kazakhstan in term stated in this decision. Those who avoid leaving with the sanction of a public prosecutor are subject to forcible detention and expel. Detention is allowed for a term required for expel. They are kept in special institutions of organs of internal affairs in the order established by the Government of the Republic of Kazakhstan.

See also KoAP RK.

Chapter 5. Concluding provisions

Article 29. Effect of this Decree related to stateless persons

Provisions of this Decree are applied to stateless persons, unless otherwise stipulated by legislative acts of the Republic of Kazakhstan.

Article 30. Restriction of the limits of effect of this Decree

Provisions of this Decree are not applied to privileges and immunities of heads and employees of foreign diplomatic and consular representations established by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

Article 31. The order of coming into force of this Decree

The Decree comes into force from the day of publishing.

N. Nazarbayev
President