

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

On Legal Status of Foreigners

(with alterations and amendments as of 16.07.2009)

*The form of act and sections were stated in version of the Law of RK dated 12.01.07 № 227-III (see old version)
The preamble was excluded according to the Law of RK dated 12.01.07 № 227-III (see old version)*

In the text of a word "of the Decree", "by the Decree", "the Decree" are replaced accordingly with words "of the Law", " by the Law", "the Law"; words "of foreign citizens", "Foreign citizens", "by Foreign citizens", "by foreign citizens", "foreign citizens", "of foreign citizen", "to foreign citizens", "Foreign citizens", "to foreign citizen", "to Foreign citizen", "Foreign citizen" were replaced accordingly with words "of foreigners", "Foreigners", "by Foreigners", "by foreigners", "foreigners", "of foreigner", "to foreigners", "to Foreigners", "of foreigner", "to Foreigner", "Foreigner" according to the Law of RK dated 12.01.07 № 227-III (see old version)

In accordance with article 1 of the Law of the Republic of Kazakhstan dated 10 December 1993 "On Temporary Delegation to President of the Republic of Kazakhstan and the heads of local authorities additional powers and to regulate the legal status of foreign nationals in the Republic of Kazakhstan issued this decree.

Section I. Terms

Article 1. Legislation on the Legal Status of Foreign Citizens in the Republic of Kazakhstan
Legislation of the Republic of Kazakhstan on the legal status of foreign nationals based on the Constitution of the Republic of Kazakhstan and determines, in accordance with the basic rights and duties of foreign nationals, their entry into the Republic of Kazakhstan, stay and movement in its territory and the exit of the Republic of Kazakhstan.

Legislation on the Legal Status of Foreign Citizens in the Republic of Kazakhstan consists of this Ordinance and other acts of legislation of the Republic of Kazakhstan.

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

If an international treaty of the Republic of Kazakhstan establishes rules other than those contained in this Ordinance, the rules of the international treaty.

Article 2. Foreign citizens and persons without citizenship in the Republic of Kazakhstan

Foreign nationals in the Republic of Kazakhstan recognizes individuals who are not citizens of the Republic of Kazakhstan and the evidence of their affiliation to the citizenship of another state.

Persons who are not citizens of the Republic of Kazakhstan and not having proof of their affiliation to the citizenship of a State shall be deemed persons.

Article 3. The principles of the legal status of foreign nationals in the Republic of Kazakhstan

Foreign nationals in the Republic of Kazakhstan shall have all rights and freedoms, and bear all the obligations established by the Constitution, laws and international treaties of the Republic of Kazakhstan, except in cases stipulated by laws and international treaties of the Republic of Kazakhstan.

Foreign nationals in the Republic of Kazakhstan are equal before the law, regardless of their origin, social status, wealth, race and national origin, sex, education, language, religion, occupation.

The use of foreign nationals of their rights and freedoms should not be prejudicial to the interests of the Republic of Kazakhstan, the rights and legitimate interests of its citizens and others, and inseparable from the performance of their duties under the laws of the Republic of Kazakhstan.

Article 4. Residing permanently and temporarily residing in the Republic of Kazakhstan, foreign citizens
Permanent residence in the Republic of Kazakhstan shall recognize foreign nationals who obtain a permit and for permanent residence permit issued by the organs of internal affairs.

Foreign nationals in the Republic of Kazakhstan on a legal basis, are temporarily staying in the Republic of Kazakhstan. They must register in the prescribed manner and leave the Republic of Kazakhstan for the period of his tenure.

Article 5. Asylum

The Republic of Kazakhstan provides the right of asylum to foreign citizens and stateless persons who have been victims of human rights violations.

The question of granting political asylum to be decided by the President of the Republic of Kazakhstan.

Section II. Basic rights, freedoms and duties of foreign nationals in the Republic of Kazakhstan

Article 6. Work & Leisure

Foreign citizens may carry out work in the Republic of Kazakhstan on the basis and in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Foreign nationals can not be assigned to individual positions or engage in a certain type of work, if in accordance with the laws of the Republic of Kazakhstan, the appointment to these positions or engage in such activity are related to belonging to the citizenship of the Republic of Kazakhstan.

Foreign nationals in the employment relationship have the same rights and bear the same obligations as

citizens of the Republic of Kazakhstan.

Foreign nationals in the Republic of Kazakhstan have the right to rest on the same basis as nationals of the Republic of Kazakhstan.

Article 7. The health

Foreign nationals in the territory of the Republic of Kazakhstan in the field of health have the same rights and bear the same obligations as citizens of the Republic of Kazakhstan.

Temporarily residing in the Republic of Kazakhstan for foreign citizens to medical care is provided in the order determined by the health authorities of Kazakhstan.

Article 8. Social Security and Pension

Foreign nationals with permanent residence in the Republic of Kazakhstan on issues of social and pension systems have the same rights and bear the same obligations as citizens of the Republic of Kazakhstan.

In cases where pensions and retirement pay and benefits requires a certain length of service, foreign citizens can count their work experience abroad on the grounds and in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Article 9. The right to housing, other property and moral rights

Foreign nationals with permanent residence in the Republic of Kazakhstan in housing relations have the same rights and bear the same obligations as citizens of the Republic of Kazakhstan.

Foreign nationals may be in the Republic of Kazakhstan on the right of ownership housing (except temporarily residing foreign nationals) and other property, to have the author of works of science, literature and art, discovery, inventions, rationalization proposals, industrial design, as well as other property and personal non - law.

Foreign nationals with permanent residence in the Republic of Kazakhstan, using their proprietary and moral rights as citizens of the Republic of Kazakhstan.

Temporarily staying in the Republic of Kazakhstan, foreign citizens have the right to use the property and personal non-property rights on the grounds and in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Article 10. Education

Foreign nationals with permanent residence in the Republic of Kazakhstan shall be entitled to receive the same education as nationals of the Republic of Kazakhstan in the manner prescribed by the laws of the Republic of Kazakhstan.

Foreign nationals temporarily residing in the territory of the Republic of Kazakhstan, can receive education in the Republic of Kazakhstan in the manner provided by international treaties of the Republic of Kazakhstan, as well as for contracts and contracts with educational institutions.

Foreigners taken in schools, have rights and bear responsibilities of students in accordance with the laws of the Republic of Kazakhstan.

Article 11. Enjoyment of culture

Foreign nationals in the Republic of Kazakhstan shall have the right to enjoy the benefits of culture an equal footing with citizens of the Republic of Kazakhstan. They are obliged to respect the historical and cultural monuments and other cultural values.

Article 12. Participation in voluntary associations

Foreign nationals with permanent residence in the Republic of Kazakhstan have the right to join associations, except for political parties and public associations that pursue political goals, and if it does not contradict the statute (regulations) of these associations.

Article 13. Freedom of conscience

Foreign nationals living in the Republic of Kazakhstan shall be guaranteed freedom of conscience par with citizens of the Republic of Kazakhstan.

You may not incite enmity and hatred due to religious beliefs.

Article 14. Marriage and family relations

Foreign nationals in the Republic of Kazakhstan may dissolve and enter into marriages with citizens of the Republic of Kazakhstan, and others enjoy the same rights and bear responsibilities in marriage and family relations on equal terms with citizens of the Republic of Kazakhstan in accordance with law and international treaties of the Republic of Kazakhstan.

Article 15. The inviolability of the home, honor and dignity of the individual

Foreign nationals in the Republic of Kazakhstan guarantees the inviolability of the home, honor and dignity.

Article 16. The movement on the territory of the Republic of Kazakhstan and the choice of residence

Foreign nationals can move freely within the territory of the Republic of Kazakhstan, which is open for visiting foreign nationals, and choose a place of residence in accordance with the procedure established by legislation of the Republic of Kazakhstan. Restrictions on movement and residence are established acts authorized by the public authorities of the Republic of Kazakhstan, where it is necessary to ensure national security, public order, health or morals, protection of the rights and lawful interests of citizens of the Republic of Kazakhstan and others.

Article 17. Taxes and Fees

Foreign nationals are subject to taxes and duties in the Republic of Kazakhstan on the same basis as nationals of the Republic of Kazakhstan, unless otherwise provided by law and international treaties of the Republic of Kazakhstan.

Article 18. Protecting the rights of foreign nationals

Foreign nationals in the Republic of Kazakhstan shall have the right to resort to the courts and other public bodies to protect their property and personal non-property rights.

Foreign citizens are in the court process rights as citizens of the Republic of Kazakhstan, except in cases provided for in international treaties of the Republic of Kazakhstan.

Article 19. Limitations in the electoral law

Foreign nationals in the Republic of Kazakhstan can not vote or be elected to representative and other elective state bodies and positions, as well as participate in national referendums.

Article 20. Attitudes to Conscription

Universal military duty does not extend to foreign citizens and persons without citizenship, permanently residing in the territory of the Republic of Kazakhstan.

Section III. Entry to the Republic of Kazakhstan and the exit from the Republic of Kazakhstan, foreign citizens

Article 21. Establishing the rules of entry into the Republic of Kazakhstan, the departure from the Republic of Kazakhstan, the transit through the territory of the Republic of Kazakhstan

Rules of entry to the Republic of Kazakhstan foreign citizens, their departure from the Republic of Kazakhstan and the transit through the territory of the Republic of Kazakhstan established in this Decree and other legislative acts of the Republic of Kazakhstan.

Article 22. Entry to the Republic of Kazakhstan

Foreign nationals may enter the Republic of Kazakhstan on valid passports or replacement of instruments in the presence of entry visas to the Republic of Kazakhstan, unless otherwise specified in the agreement between the Republic of Kazakhstan and the party.

Entry to the Republic of Kazakhstan foreign citizen can not be resolved:

- a) In the interest of national security, public order or public health;
- b) if he is opposed to the sovereignty of the Republic of Kazakhstan, called for a violation of the unity and integrity of its territory;
- c) if it is fueling interstate, ethnic and religious strife;
- g) if it is necessary to protect the rights and lawful interests of citizens of the Republic of Kazakhstan, and others;
- d) if he has been convicted of terrorist activities or the court recognized an especially dangerous recidivist;
- e) if he had expelled from the Republic of Kazakhstan;
- g) if during the previous stay in the Republic of Kazakhstan was established facts of violation of the law on the legal status of foreign nationals in the Republic of Kazakhstan, customs, currency or other legislation of the republic;
- h) when applying for admission, he reported false information about himself or has not submitted the necessary documents.

Visas to enter or conform to other documents issued by diplomatic and consular missions of the Republic of Kazakhstan, or, in some cases specifically authorized representatives of the Republic of Kazakhstan. Grounds for issuing visas are receiving invitations to parties and permits authorized by the authorities of the Republic of Kazakhstan, unless otherwise stipulated in international treaties of the Republic of Kazakhstan.

Article 23. Departure from the Republic of Kazakhstan

Foreign nationals traveling from the Republic of Kazakhstan on valid passports or replacement of instruments in the presence of exit visas issued by duly authorized state bodies of Kazakhstan, unless otherwise specified in the agreement with the country.

Departure from the Republic of Kazakhstan, foreign citizens are not allowed:

- a) if there is reason for him to criminal liability - until the end of the proceedings;
- b) if he had been convicted of a crime - until the completion of sentence or release from punishment;
- c) if he avoids the performance of obligations imposed on it by the court - until the execution of commitments;
- g) On other grounds established by the legislation of the Republic of Kazakhstan.

Departure from the Republic of Kazakhstan, foreign citizens may be delayed until the performance of the property obligations associated with the essential interests of the citizens of the Republic of Kazakhstan, other individuals and entities.

Article 24. Travel

Foreign nationals passing through the territory of the Republic of Kazakhstan in transit, are in compliance with the rules of transit in the border point of exit from the Republic of Kazakhstan on the fixed route and may have stopped in the Republic of Kazakhstan only at the points specified in the Kazakh transit visa, if a

permit issued by the authorized to the government authorities of Kazakhstan.

Section IV. The responsibility of foreign citizens. Reducing the length of stay. Expulsion

Article 25. Basis of liability for offenses

Foreign nationals who commit crimes, administrative or other crimes on the territory of the Republic of Kazakhstan shall be subject to liability on the same basis as nationals of the Republic of Kazakhstan, except in cases stipulated by international treaties of the Republic of Kazakhstan.

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

Foreign nationals who violate the rules of stay in the Republic of Kazakhstan, that is, living without documents to the right of residence or living with invalid documents, which do not observe the established order of registration or of movement and residence, deviation from leaving them after a certain length of stay, as well as non-compliance rules of transit through the territory of the Republic of Kazakhstan will be subjected to administrative liability in accordance with the laws of the Republic of Kazakhstan.

Willful violation of the rules of foreign citizens staying in Kazakhstan, and transit through the territory of the Republic of Kazakhstan entails criminal responsibility, the laws of the Republic of Kazakhstan.

Article 27. Reducing the length of stay in the Republic of Kazakhstan

A foreign citizen who violates the law on the legal status of foreign nationals in the Republic of Kazakhstan, may be shortened set him stay in the Republic of Kazakhstan. Duration of stay of foreign citizens in the Republic of Kazakhstan may be reduced as in cases where no longer grounds for its further presence.

Article 28. Expulsion from the Republic of Kazakhstan

A foreign citizen may be expelled from the Republic of Kazakhstan:

- a) if its actions are contrary to the interests of public security or public order;
- b) if it is necessary to protect public health or morals, protection of the rights and lawful interests of citizens of the Republic of Kazakhstan, and others;
- c) if he violated the law on the legal status of foreign nationals in the Republic of Kazakhstan, customs, currency or other legislation of the Republic of Kazakhstan.

The decision on expulsion adopted by duly authorized state bodies of Kazakhstan. A foreign citizen is obliged to leave the Republic of Kazakhstan on the date specified in this decision. Deviation from leaving in such cases shall be, with the approval of the prosecutor, detained and expelled forcibly. Detention shall be supposed thus for the term of necessary for exclusion.

Section V. Final provisions

Article 29. Action of this Decree concerning persons without citizenship

Provisions of this Decree shall be applied for persons without citizenship if other is not established by the acts of the Republic of Kazakhstan.

Article 30. Restrictions of scope of action of this Decree

Provisions of this Decree do not skip privileges and immunities of heads and employees foreign diplomatic and consulates established by the legislation of the Republic of Kazakhstan and international contracts of the Republic of Kazakhstan.

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

This Decree shall be entered into force from the date of publication.

President of Republic of Kazakhstan