

Law of the Republic of Kazakhstan dated December 13, 1997 № 204-I On Migration of the Population

(with alterations and amendments as of 10.12.2008)

Alterations were introduced in preamble according to the Law of RK dated 27.03.02 № 313-II (see old version)

This Law adjusts public relations in the field of population migration, determines legal, economic and social bases of migratory processes as well as creations of necessary conditions of life on new place for oralmans.

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This Law shall regulate social relations in the field of population migration, define legal, economic and social principles of the migration processes likewise those required for the creation of necessary living conditions at a new place for oralmans.

Chapter 1. General provisions

Article 1 was stated in version of the Law of RK dated 27.03.02 № 313-II (see old version); the Law of RK dated 06.07.07 № 276-III (see old version)

The following definitions are referred to in the present Law:

- 1) the term 'refugees' means aliens, who in owing to well-founded fear of being persecuted for reasons of political opinion, race, religion, citizenship, nationality, membership in a particular social group, are outside their country of nationality are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country; or who, not having a nationality, and being outside of the country of their former habitual residence, as a result of such events, are unable, or owing to such fear, are unwilling to return to it;
- 2) the term 'internal migration' means permanent or temporary, as well as season migration of physical persons within Kazakhstan;
- 3) the term 'immigrants' means foreign citizens or stateless persons, who have arrived in the Republic of Kazakhstan for temporary or permanent residence;
- 4) the term 'immigration' means arrival of foreign citizens or stateless persons in the Republic of Kazakhstan for temporary or permanent residence;
- 5) the term 'immigration quota' means qualitative limit of immigrants, annually admitted for resettlement on the territory of the Republic of Kazakhstan;
- 6) the term 'immigration quota for oralmans' means a number of oralman families, annually admitted for resettlement on the territory of the Republic of Kazakhstan, who benefit from privileges and compensation in accordance with the present Law;
- 7) the term 'collective immigration' means organized immigration in the Republic of Kazakhstan;
- 8) the term 'migrants' means persons, who have arrived in and departed from the Republic of Kazakhstan, as well as those immigrating within the Republic of Kazakhstan regardless reasons and duration of such immigration;
- 9) the term 'migration' means temporary or permanent, voluntary or forced movement of physical persons from one state into another, as well as within a state;
- 10) the term 'illegal migrants' means foreign citizens or stateless persons, who have arrived and are staying in the Republic of Kazakhstan in violation of the legislation regulating the procedure of arrival, departure, stay as well as transit though the territory of the Republic of Kazakhstan;

- 11) the term ‘oralmans’ means foreign citizens or stateless persons of the Kazakh ethnicity, who permanently resided outside Kazakhstan on the date of gaining sovereignty by the Republic of Kazakhstan and arrived in Kazakhstan for the purpose of permanent residence;
- 12) the term ‘repatriation’ means voluntary or forcible return of citizens of the Republic of Kazakhstan to their motherland;
- 13) the term ‘family immigration’ means arrival in the Republic of Kazakhstan of a family member (-s) for a purpose of reunification with the family members already residing in the Republic of Kazakhstan;
- 14) the term ‘labor migration’ means temporary movement of physical persons from other countries in or outside the Republic of Kazakhstan, as well as within the state for engagement in labor activities;
- 15) the term ‘authorized organ on issues of population migration’ means a central executive organ responsible for realization of the migration policy and for coordination of work in the field of population migration (hereafter – an authorized organ);
- 16) the term ‘center of temporary placement’ means a place of temporary stay of persons and their family members applying for recognition of them as oralmans on the territory of the Republic of Kazakhstan;
- 17) the term ‘emigrants’ means citizens of the Republic of Kazakhstan departing into another state for permanent or temporary residence;
- 18) the term ‘emigration’ means departure of citizens of the Republic of Kazakhstan into another stay for permanent or temporary residence.

Article 2. Legislation regulating population migration

The legislation in the field of migration shall be based on the provisions of the Constitution and consist of the present Law and other regulatory legal acts.

Article 3. Basic principles of regulation of population migration

Regulation of population migration shall be based on the following principles:

- to ensure rights of persons, stipulated in the Constitution of the Republic of Kazakhstan, to free choice of a place of residence, freedom of labour, free choice of occupation and profession, freedom of departure, freedom of movement;
- to deem inadmissible any form of discrimination for reasons of origin, social, official or property status, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances;
- to ensure compliance of the migration legislation of the Republic of Kazakhstan with international norms and recommendations of the International Organization for Migration taking into consideration current social and economic situation of the republic, its historical past and traditions, prospects for development;
- to comprehensively assist the immigration of persons of the Kazakh ethnicity into the Republic of Kazakhstan, in organizing their settlement, creation of working places, social welfare and social assistance to oralmans;
- to prevent spontaneous and unregulated processes both inside and outside the country based on the development of social and economic stimulus in both mid- and long-term programs of actions, based on the prognosis of potential migration and trends of migration flows with regard to changes of social and economic as well as public and political situation;
- to participate in the work of relevant state organs in regulating of the migration processes;
- to ensure personal participation of migrants in the process of settlement in a new place of residence conditioned by the state earmarked promotion of initiatives and initiatives of every person, firstly, repatriates from zones of ecological and natural calamities;
- to co-operate with other states, particularly with those hosting immigrants, in the sphere of reducing illegal migration, through education, professional training, labor migration.

Article 4. Subjects of migration and their registration

Immigrants arriving for permanent residence in the Republic of Kazakhstan from other states shall acquire the status of (repatriates) oralman, refugee, except for cases provided for by the present Law. **See, Instruction on the procedure of the determination of status of repatriates (oralmans), re-emigrants, displaced persons, as well as forced migrants, approved by the instruction of the Agency on migration and demography of the Republic of**

Kazakhstan, as of 12 May 1999, № 5.

Persons, moving on legal grounds into the Republic of Kazakhstan from other states, shall acquire the status of emigrants. Staff of the diplomatic representations, consular offices and representations of the Republic of Kazakhstan abroad, citizens of the Republic of Kazakhstan who are temporary working abroad, military personnel, carrying out peacemaking duty, as well as persons currently staying abroad in view of studies, medical treatment, on tour, on invitation from organizations or private persons or on an official mission abroad, shall not be considered as re-emigrants.

Every subject of immigration on the territory of the Republic of Kazakhstan shall be responsible to register within 5 working days at the place of permanent or temporary residence. Registration of subjects of immigration shall be carried out by identification documents. The Government of the Republic of Kazakhstan shall establish the list of identification documents as well the procedure of registration.

Chapter 2. Labour migration

Article 5. Procedure for effecting labour migration

Labor activities of foreign citizens and stateless persons in the territory of the Republic of Kazakhstan and citizens of the Republic of Kazakhstan abroad shall be carried out in accordance with the legislation of the Republic of Kazakhstan. Protection of the inner labor market shall be considered as a priority in regulating labor migration. With this regard, eviction of labor migrations, having been legally admitted on the territory of the Republic of Kazakhstan in view of the situation on the labor market, shall be inadmissible.

Labor activities of foreign citizens and stateless persons shall not be considered as labor migration in cases, envisaged in Article 11 of the present Law.

See, Decree of the Government of the Republic of Kazakhstan “On approval of the Rules of licensing of labor power industrial intake and export of labor power outside the Republic of Kazakhstan” Rules of protection of the inner market during issuance of permissions to employers for purposes of the labor power industrial intake.

Article 6. Engagement of citizens of the Republic of Kazakhstan in labor activities abroad

Citizens of the Republic of Kazakhstan except for those doing military service, shall have the right to be engaged in labor activities abroad.

Restriction as regards departure of the citizens of the Republic of Kazakhstan abroad for the purpose of engagement in labor activities shall be permitted in cases, envisaged by the legislation of the Republic of Kazakhstan.

Article 7. Conditions of stay of foreign citizens and stateless persons in the Republic of Kazakhstan for the purpose of engagement in labor migration

Foreigners and stateless persons having arrived in the Republic of Kazakhstan for the purpose of engagement in labor activities, not followed by a change of citizenship, shall have permanent residence outside the Republic of Kazakhstan, unless otherwise stipulated in the international agreements.

Foreign citizens and stateless persons who have arrived in the Republic of Kazakhstan and are engaged in labor activities without a duly authorized permit, unless otherwise provided by international agreements, shall be subjected to deportation from the Republic of Kazakhstan by the relevant organs of interior, in accordance with the legislation of the Republic of Kazakhstan.

See, Presidential Decree “On legal status of foreign citizens in the Republic”, as of 19 June 1995.

Article 8. Engagement in labor activities by citizens of the states - members of the Commonwealth of Independent States in the territory of the Republic of Kazakhstan

Engagement in labor activities of citizens of the states - members of the Commonwealth of Independent States in the territory of the Republic of Kazakhstan shall be regulated in compliance with the present Law and agreements concluded between these states on both bilateral and multilateral basis.

See, for instance, Decree of the Government of the Republic of Kazakhstan “On the Conclusion of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on labor activities and social protection of citizens of the Republic of Azerbaijan temporary working on the territory of the Republic of Kazakhstan and citizens of the Republic of Kazakhstan temporary working on the territory of

the Republic of Azerbaijan”.

Chapter 3. Immigration

Article 9. Immigration quota for oralmans

The President of the Republic of Kazakhstan upon request of the Government of the Republic of Kazakhstan shall set up an immigration quota for a coming year and (or) for the future perspectives for those persons who benefit from facilities and compensation in accordance with the present Law.

A legislative act setting an immigration quota for oralmans, which is binding for discharge by all organizations, regardless of forms of property, as well as by state administrative organs, defines a maximum number of families with an indication of the countries whereto they are to migrate, measures required to be undertaken regarding their admission, settling down and adaptation, regions where they are to migrate, differentiated grants and system of benefits for oralmans.

The President of the Republic of Kazakhstan shall have a prerogative to introduce changes and amendments in the immigration quota for oralmans.

Article 10. Rights and responsibilities of immigrants

Immigrants who have received residence permit, shall enjoy the same rights and freedoms and shall bear the same duties equal to those of the citizens of the Republic of Kazakhstan, unless otherwise envisaged by the legislative acts of the Republic of Kazakhstan.

Article 11. Persons not being immigrants

Immigrants shall not be foreign citizens and stateless persons on the territory of the Republic of Kazakhstan provided that they:

- 1) do military service in the units located in the territory of the Republic of Kazakhstan;
- 2) are staff members of diplomatic missions and international organizations;
- 3) undergo studies or practical training in the Republic of Kazakhstan;
- 4) are engaged in labour activities on the territory of the Republic of Kazakhstan;
- 5) are engaged in professional activities in religious associations officially registered in the Republic of Kazakhstan;
- 6) are representatives of foreign mass media, radio and television accredited in the Republic of Kazakhstan;
- 7) have arrived in the Republic of Kazakhstan for the purpose of rendering charity and humanitarian assistance, in capacity of tourists and for the purpose of business meetings;
- 8) are members of the crews of sea and river vessels, air, railway and motorway means of transport.

The Government of the Republic of Kazakhstan may ascertain other cases when foreign citizens and stateless persons in the territory of the Republic of Kazakhstan shall not be recognized as immigrants.

Legal status of the persons referred to in the first paragraph of this article shall be defined by the legislation of the Republic of Kazakhstan and international agreements thereof.

Article 12 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Article 13. Financial support for carrying out activities with regard to migration

Financial support of activities with regard to migration are secured from the financial means earmarked accordingly from the republican budget, as well as from voluntary subscriptions from organizations, including foreign organization, and donations of private persons. “Principal usage of means of the republican budget for repatriates (oralmans).

See Decree of the Government of the Republic of Kazakhstan, as of 18 August 1999.

Article 14. The procedure for appeal, consideration and recognition of persons as oralmans

An adult of the full legal age, on behalf of a family, shall submit a claim, either personally or through a person authorized thereto, on recognition him/them as immigrants to the diplomatic representation, consular service of the Republic of Kazakhstan abroad or to an authorized organ.

Territorial services of the authorized organs shall be responsible for considering of such a claim on granting an oralman status, inclusion of the family in the oralman immigration quota, as well as making a decision on the issues in question within two months from the registration date.

Persons, recognized as oralmans, shall be provided with a certificate of an established

sample. An oralman's certificate is a document of a strict accounting and enables a holder for receipt of benefits and compensation, provided for by the present Law.

Decisions of the territorial services may be appealed in a higher authorized organ or in court in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan.

Article 15. Rights and duties of persons appealing for recognizing them as oralmans

Persons who have applied to diplomatic representations, consular services of the Republic of Kazakhstan abroad or in the authorized organ as regards their recognition as oralmans and have arrived to the territory of the Republic of Kazakhstan, have the same rights and bear the same duties, as provided for by the legislation of the Republic of Kazakhstan, as foreign citizens and stateless persons.

The Government of the Republic of Kazakhstan shall determine living conditions in centers of temporary accommodation, for the persons who have applied for the oralman status.

Persons who have applied to diplomatic representations, consular services of the Republic of Kazakhstan abroad or in the authorized organ as regards their recognition as oralmans and have arrived to the territory of the Republic of Kazakhstan, shall have the duty to:

- 1) leave for the place of temporary residence, upon receipt of a warrant, within three days;
- 2) notify the relevant territorial migrations services of the place of residence and undergo registration in the organs of interior according to the procedure provided for by the legislation of the Republic of Kazakhstan;
- 3) observe the established order of residence in the center of temporary residence;
- 4) undergo medical examinations as required by the organs of health care, to receive vaccination shots, medical treatment as well as to observe prescriptions of the organs of health care;
- 5) communicate to the relevant migration services information necessary for consideration of claims.

Oralman status is terminated after receipt of the citizenship of the Republic of Kazakhstan.

Article 16 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Article 17 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Article 18. Liability of officials with regard to employment of illegal immigrants

Deliberate actions of heads of organizations, irrespective of the forms of property, with regard to employment of immigrants who have arrived in the territory of the Republic of Kazakhstan illegally, as well as their commitment of notary or other legal acts, shall entail liability according to the legislation of the Republic of Kazakhstan.

Chapter 4. Kinds of immigration. Procedure for entry for immigrants.

Residence permit.

Article 19. Family immigration

Spouses, their parents and dependent children (including those adopted), as well as sisters, brothers, under full legal age, without parents or guardians, responsible for supporting them at place of former residence, shall be considered family members of an immigrant.

Immigration into the Republic of Kazakhstan of children under eighteen years of age shall be decided by the consent of their parents and adopting parents (guardians or trustees).

In this case, a notarially certified consent shall be presented for children between fourteen and eighteen years of age. With regard to teenagers under eighteen who are not considered as a separate family unit, but immigrate to the Republic of Kazakhstan separately from the parents (guardians or trustees), an officially certified consent of their parents (guardians or trustees) in writing shall be required.

Article 20. Collective immigration

Collective immigration shall be carried out pursuant to the decision of the Government of the Republic of Kazakhstan regarding organized immigration of persons wishing to return to their historic homeland in a collective manner.

Article 21. Procedure for entry of immigrants to the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall ascertain the procedure for formalization of the entry of immigrants to the territory of the Republic of Kazakhstan.

See, Rules of entry and stay of foreign citizens in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan

Article 22. Grounds for refusal in entry to the Republic of Kazakhstan to a foreign citizen and a stateless person

A foreign citizen and a stateless person may be refused to enter into the Republic of Kazakhstan in the interest to ensure state security, protection of the public order and health of the population of the Republic of Kazakhstan.

Entry into the Republic of Kazakhstan for a foreign citizen and a stateless person may be refused in the cases:

- 1) when he has committed a crime against peace and safety of mankind;
- 2) when he inflames inter-state, inter-ethnic and religious hatred;
- 3) when he deliberately opposes sovereignty and independence of the Republic of Kazakhstan, calls for disturbance of the unity and territorial integrity;
- 4) when he has been convicted for terrorist activities or has been tried for an earlier committed grave or grave specially crime;
- 5) when he provides false information of himself or has not presented necessary documents while applying for entry;
- 6) when he has been earlier expelled from the Republic of Kazakhstan;
- 7) when, during his previous stay in the Republic of Kazakhstan, facts of him to have violated the legislation of the Republic of Kazakhstan regarding legal stay of foreign citizens and stateless persons in the Republic of Kazakhstan, customs, exchange or other legislation of the Republic of Kazakhstan, were established;
- 8) when such refusal is essential for the protection of the rights and legal interests of the citizens of the Republic of Kazakhstan and other persons.

Article 23. Documents enabling foreign citizens and stateless persons to permanently reside in the Republic of Kazakhstan

Foreign citizens having obtained a permission from the organs of interior for permanent residence in the Republic of Kazakhstan are granted a residence permit of a foreign citizen in the Republic of Kazakhstan; stateless persons are granted a certificate of a stateless person accordingly.

The Government of the Republic of Kazakhstan shall ascertain the procedure for issuance of residence permit in the Republic of Kazakhstan as well as certificates for stateless persons. *Sample documents, See in the Decree of the Government of the Republic of Kazakhstan as of 26 January 1996.*

Article 24. Grounds for refusal to issue a residence permit in the Republic of Kazakhstan to a foreign citizen or a stateless person

Issuance of a residence permit for the Republic of Kazakhstan to a foreign citizen and a stateless person may be refused with regard to:

- 1) obviously illegal immigrants, as well as immigrants prosecuted for having committed crimes in accordance with the legislation of the states, emigrants of which they are;
 - 2) persons, having been released from institutions of confinement, and who, prior to committing a crime, had permanent residence outside the Republic of Kazakhstan;
 - 3) persons who has committed crimes against mankind;
 - persons, except for oralmans, failed to present a certificate confirming their paying capacity for the period of stay in the Republic of Kazakhstan according to the procedure ascertained thereof by the Government of the Republic of Kazakhstan;
 - 4) persons suffering from a disease that may cause epidemic in the territory of the Republic of Kazakhstan according to the conclusion by the health authorities and other authorized organs of the Republic of Kazakhstan;
 - 5) persons who have violated the legislation on the legal status of foreign citizens and stateless persons in the Republic of Kazakhstan based on a reasonable decision of the authorized body, organs of interior and the Committee o National Security, in accordance with the procedure established by the Government of the Republic of Kazakhstan.
- Refusal regarding the issuance of a residence permit and a certificate of a stateless

person may be appealed in a legal manner.

Article 25. Granting of political asylum

The President of the Republic of Kazakhstan shall execute satisfaction or refusal of an application for granting of political asylum of the Republic of Kazakhstan to foreign citizens and stateless persons in each particular case.

See, Presidential Decree On Granting of political asylum, as of 15 July 1996 and the Instruction of the Ministry of foreign Affairs of the Republic of Kazakhstan as of 3 February 1997.

Article 26 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Article 27. Persons being relatives of the oralman

Relatives of the oralman on equal grounds shall be recognized

- children (including those adopted), a spouse of the oralman;
- brothers and sisters of the oralman as well as blood relatives in the line of ascent and members of their families;
- grandchildren and great-grandchildren of the oralman;
- families formed by children, grandchildren and great-grandchildren of full legal age.

See, Instruction of the Agency on migration and demography of the Republic of Kazakhstan as of 12 May 1999, on the Procedure of determination of status of a repatriate (oralman), re-emigrant, migrant as well as a forced migrant

Article 28 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Article 29. Benefits, compensations and other kinds of earmarked assistance rendered to repatriates (oralmans)

1. The state shall create beneficial conditions for immigration in the Republic of Kazakhstan and ensure to the oralmans:

- assistance in a job placement, in raising the level of qualification and obtaining of a new profession;
- creation of conditions for learning of the state and the Russian languages;
- exemption from the military service in the armed forces in accordance with the legislation of the Republic of Kazakhstan;
- setting the quota for enrolment in institutions of vocational training and higher professional education in terms of numbers established by the Government of the Republic of Kazakhstan;
- granting of places in schools, infant institutions, as well as institutions of social welfare to the needy;
- payment of pensions and grants in accordance with the legislation of the Republic of Kazakhstan or according to international treaties ratified by the Republic of Kazakhstan;
- exercise of the rights of the oralmans restored in citizenship to compensations stipulated thereof by the Law of the Republic of Kazakhstan "On rehabilitation of victims of mass political repression".
- exemption from consular fees charged for entry visas into the Republic of Kazakhstan;
- receipt of free guaranteed medical care in accordance with the legislation of the Republic of Kazakhstan;
- rendering of state earmarked assistance provided for citizens of the Republic of Kazakhstan;

2. The State ensures to the oralmans who have arrived on the immigration quota, except for the benefits and compensations, enumerated in para. 1 of the present article:

- crossing the border being exempted from customs fees and taxes;
- free passage to the place of permanent place of residence and transportation of belongings (including livestock);
- allotment of means for purchase of accommodation upon arrival and payment of a lump sum according to the legislation of the Republic of Kazakhstan;

3. The Government of the Republic of Kazakhstan shall establish, in accordance with the legislation of the Republic of Kazakhstan, the procedure of allocation of land plots, in kind

grants for individual housing building, preferences for oralmsans concerning their investment and creation of manufactures in different fields of economics.

4. Oralmsans who have not fully used the benefits, provided for by the present article, shall retain the right for such benefits also after the acquisition of the citizenship of the Republic of Kazakhstan.

5. Organs of local government shall, in accordance with the legislation of the Republic of Kazakhstan, establish other benefits and compensation for oralmsans, who have immigrated in the Republic of Kazakhstan out of the immigration quota.

See, Rules of acquisition of accommodation for families of repatriates (oralmsans).

Article 29-1 Expulsion beyond the borders of the Republic of Kazakhstan

Expulsion of immigrants beyond the borders of the Republic of Kazakhstan is carried out in cases, envisaged by the legislation of the Republic of Kazakhstan on legal regime of foreign citizens and stateless persons.

Chapter 5. Emigration

Article 30. Procedure of legalization of departure of emigrants

The Government of the Republic of Kazakhstan shall ascertain the procedure of legalization of departure of emigrants.

Article 31. Financial support of departure of citizens of the Republic of Kazakhstan from the Republic of Kazakhstan

Financial support of expenses concerning the departure from the Republic of Kazakhstan of citizens for permanent residence to other states shall be effected at the expense of personal savings of emigrants as well as from other sources, as long as it does not contradict the legislation of the Republic of Kazakhstan.

Citizens of the Republic of Kazakhstan departing therefrom for permanent residence to other states, shall be entitled to take out, at their own expense, property owned by them and by members of their families, on the basis of their property rights, and property values equated therewith according to the legislation of the Republic of Kazakhstan.

Taking out the articles presenting cultural, historical or value for the state, by citizens outside the Republic of Kazakhstan shall be regulated by the relevant laws of the Republic of Kazakhstan and international treaties.

The rights of persons, having departed from the Republic of Kazakhstan for permanent residence to other states, to property located in the territory of the Republic of Kazakhstan, shall be ascertained by the laws of the Republic of Kazakhstan.

Article 32. Grounds to refuse departure from the Republic of Kazakhstan

A citizen of the Republic of Kazakhstan, pursuant to the legislation, may be refused to depart from the Republic of Kazakhstan in the cases when he:

- 1) possesses information constituting state secret or other secret information protection by the legislation, until such circumstances cease to exist;
- 2) is being detained on suspicion in committing a crime or is called to account as an accused - until to the delivery of a decision on the case or until entry of a sentence into force;
- 3) is being convicted for committing a crime until serving a sentence or until impunity;
- 4) is avoiding the fulfillment of responsibilities incumbent on him by the court until the fulfillment of such responsibilities or until reaching an agreement by the parties;
- 5) is being in active military service for a fixed period until the completion of the service or until exemption from it in compliance with the legislation of the Republic of Kazakhstan;
- 6) has provided with obviously false information of himself in arranging of documents for departure from the Republic of Kazakhstan until the solution of the issue, however, not longer than a month, by the organ in charge of issuing such documents;
- 7) is being sued in civil legal proceedings until the delivery of a decision on the case or till the entry into force of such a decision.

The Government of the Republic of Kazakhstan upon submission by the Ministry of Foreign Affairs shall be entitled to introduce a temporary restriction on the departure of citizens of the Republic of Kazakhstan to another state in a case of an emergency situation, amounting to a threat to security of citizens of the Republic of Kazakhstan departing to such a state.

Chapter 6. Control of the migration processes

Article 33. The authorized body responsible for regulation of the migration processes

Control of the migration processes in the Republic of Kazakhstan shall be carried out by the central executive body, whose powers are established in accordance with the laws of the Republic of Kazakhstan.

Article 34. Rights and responsibilities of the authorized body

1. The authorized body shall be entitled to:

1) conclude, upon receipt of the instructions of the Government of the Republic of Kazakhstan, treaties with governmental organs, agencies, enterprises, institutions, organizations of other states with regard to issues on voluntary immigration to the Republic of Kazakhstan of compatriots, who either forcibly or voluntarily left the territory of the Republic of Kazakhstan in due course.

2) coordinate activities on migration matters in the Republic of Kazakhstan;

3) make decisions on applications of immigrants concerning refusal by the territorial services of an authorized organ to grant an oralman status and inclusion in the immigration quota for oralmans;

2. The authorized organ, within its competence, shall be obliged to:

1) analyze and make prognosis of the migration process in the state and to inform the Government of the Republic of Kazakhstan and local executive bodies accordingly;

2) elaborate proposals regarding measures to be undertaken to regulate the population migration;

3) submit proposals, for consideration by the Government of the Republic of Kazakhstan, for determining the immigration quota;

4) organize, within the approved immigration quota, immigration, admission and accommodation;

5) elaborate and implement the realization of program activities and legal acts on the migration-related issues;

6) carry out registration and to keep records of arriving oralmans as well as to carry out payment of differentiated grants and benefits according to the procedure established thereof by the Government of the Republic of Kazakhstan.

Article 35 was excluded in accordance with the Law of the Republic of Kazakhstan as of 27.03.2002.

Chapter 7. Concluding provisions

Article 36. Procedure for covering expenses related to the consideration of claims

Persons recognized as oralmans are exempted from expenses, which borne by the state organs in consideration of claims at all stages.

Article 37. Grounds for liability for violations of the law

Immigrants having committed criminal acts, administrative or other offences in the territory of the Republic of Kazakhstan shall be liable on equal grounds with the citizens of the Republic of Kazakhstan, except for the cases, envisaged so by international treaties of the Republic of Kazakhstan, ratified by the Republic of Kazakhstan.

Article 38. International treaties on population migration

International treaties ratified by the Republic of Kazakhstan shall have priority over its laws and be directly implemented, except in cases when the application of the international treaty shall require the promulgation of a law.

When an international treaty ratified by the Republic of Kazakhstan envisages other rules on migration, compare to those contained in the present Law, the provisions of the international treaty shall apply.

Article 39. Settlement of disputes

Disputes over migration matters shall be settled in accordance with the procedure established by the present Law and in court.

Article 40. Responsibility for illegal entry to the territory of the Republic of Kazakhstan and for illegal departure from the Republic of Kazakhstan

Liability for illegal migration of foreign citizens and stateless persons to the territory of the Republic of Kazakhstan or illegal departure of citizens of the Republic of Kazakhstan therefrom shall be envisaged by the legislation of the Republic of Kazakhstan.

Article 41. Internal migration

The procedure and conditions for regulating the relations in the field of internal population migration shall be carried out in accordance with the legislation of the Republic of

Kazakhstan.
President of the Republic of Kazakhstan
N. NAZARBAEV