

On approval of the Rules for the grant, renewal, revoke and termination of refugee status

Unofficial translation

Government of the Republic of Kazakhstan dated March 9, 2010 № 183.

Unofficial translation

In accordance with the Law of the Republic of Kazakhstan "On Refugees" the Government of the Republic of Kazakhstan **HEREBY DECIDES:**

Footnote. Preamble – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

1. To approve the attached Rules for the grant, renewal, revoke and termination of refugee status.

2. This resolution shall be enforced upon expiry of ten calendar days after its first official publication.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated March 9, 2010 № 183

Rules for granting, extension, withdrawal and termination of refugee status

Footnote. The Rules as amended by Resolution № 306 of the Government of the Republic of Kazakhstan dated 13.05.2022 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 1. General Provisions

1. These Rules for granting, extension, withdrawal and termination of refugee status (further- the Rules) have been developed pursuant to the Law of the Republic of Kazakhstan "On Refugees" (hereinafter - the Law) and establish the procedure for granting, extension, withdrawal and termination of refugee status.

2. The following concepts shall be used in these Rules:

refugee – an alien who, owing to a well-founded fear of being persecuted for reasons of race, nationality, religion, citizenship, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to avail of the protection of his country or is unwilling to avail of such protection due to such fear, or a stateless person who is outside the country of his habitual residence or nationality who is unable or unwilling to return to it due to such fear;

refugee certificate - a document, verifying the identity and the status of a refugee;

travel document - a document issued to a person who has been granted a refugee status for movement outside the territory of the Republic of Kazakhstan;

asylum seeker - a foreigner or a stateless person who has stated willingness to apply for asylum in the Republic of Kazakhstan before the local executive body of a region, city of republican significance and the capital makes a final decision on their application for granting a refugee status;

certificate of an asylum seeker - a document issued by a local executive body of a region, city of republican significance and the capital confirming the registration of the application for granting a refugee status;

authorized body - the state body of the Republic of Kazakhstan, exercising leadership in the regulation of refugee relations issues.

Footnote. Paragraph 2 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 31.10.2024 № 912 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Procedure of granting and extension of refugee status

3. The decision on granting a refugee status shall be adopted by the local executive body of regions, cities of republican significance and the capital (hereinafter referred to as the local executive body) within three months from the registration date of the application for granting a refugee status provided that the person has undergone dactyloscopic registration in accordance with the legislation of the Republic of Kazakhstan.

In cases where additional verification is required for the adoption of a decision, the issuance of the final decision shall be postponed for a term not exceeding one year, of which the asylum seeker shall be notified within two working days from the date of the relevant decision.

Footnote. Paragraph 3 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 31.10.2024 № 912 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The decision on recognition as a refugee shall be delivered by the local executive body within five working days from the date of the decision.

Footnote. Paragraph 4 – as amended by the Decree of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

5. A person who has been granted a refugee status shall be issued a refugee certificate by the local executive body within five working days from the date of the decision.

Information about family members of a person recognized as a refugee who has not reached the age of eighteen shall be entered into the refugee certificate of one of the parents, and in the absence of parents - into the refugee certificate of the legal representative or the

refugee certificate of one of the family members who has reached the age of eighteen and who voluntarily took over responsibility for the behavior, upbringing and maintenance of family members under the age of eighteen. Subsequently, the indicated persons shall be issued a refugee certificate by the local executive body upon reaching the age of eighteen on the basis of their written application submitted in any form.

A person recognized as a refugee who has not reached the age of eighteen and arrived on the territory of the Republic of Kazakhstan without parents or legal representatives shall also be issued a refugee certificate.

The refugee certificate shall be valid throughout the territory of the Republic of Kazakhstan.

6. If, within three months after a copy of the decision to recognize him/her as a refugee has been sent to him/her, the person has not appeared at the local executive body to receive a refugee certificate and a notification has been received that the person is not staying at the address he indicated, or information has been received about the person's departure from the territory of the Republic of Kazakhstan or other reliable information confirming the person's presence outside the territory of the Republic of Kazakhstan, the local executive body shall annul its decision to grant refugee status.

Footnote. Paragraph 6 – as amended by the Decree of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

7. Upon receipt of a refugee certificate by a person recognized as a refugee, the local executive body shall withdraw from the refugee the certificate of an asylum seeker previously issued to him and attach it to the personal file of the refugee.

The national (civil) passport and (or) other documents verifying the identity of a person recognized as a refugee, upon receipt of a refugee certificate, shall remain in storage at the local executive body for the period of recognition of this person as a refugee.

8. The certificate of a refugee shall be registered with the local executive body for the period of recognition of this person as a refugee.

When a refugee changes his/her place of residence on the territory of the Republic of Kazakhstan, the materials of his/her personal file shall be sent to the local executive body at the new place of registration of the refugee.

Footnote. Paragraph 8 as amended by the Decree of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

9. If an asylum seeker is denied refugee status on the grounds provided for in Article 12 of the Law, the local executive body, within five working days from the date of the refusal decision, shall hand over or send to the person at his/her place of residence a copy of the

decision indicating the reasons for the refusal and an explanation of the procedure for appealing the decision taken, and shall also inform the authorized body and the internal affairs bodies.

Footnote. Paragraph 9 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 31.10.2024 № 912 (shall be enforced upon expiry of ten calendar days after its first official publication).

10. When appealing the decision on denying a refugee status in the court and (or) in the authorized body, the local executive body shall extend the validity of the certificate of the asylum-seeker for the period of examining the complaint. If the asylum seeker loses the appeal in the court, the certificate of the asylum seeker is subject to submission to the local executive body.

11. Refugee status shall be granted for a term of one year. If the former circumstances referred to in subparagraph 1) of Article 1 of the Law remain in the country of the refugee's origin, the term of refugee status shall be extended by the local executive body for one year and for each subsequent year on the basis of the refugee's application submitted by him a month before the end of the specified term.

When extending the period, the local executive body shall check whether the refugee has a refugee certificate, a residence permit (if any), or a travel document, clarify information about changes in marital status, family composition, and address of residence and enter these changes into the refugee's personal file.

Footnote. Paragraph 11 as amended by the Decree of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

12. In the event of a refusal to extend refugee status, the local executive body shall, within five working days, inform the authorized body and the internal affairs bodies, providing a copy of the decision taken, and shall also hand over or send to the person who has been refused an extension of refugee status a notice of the decision taken and the recognition of the refugee certificate as invalid.

Footnote. Paragraph 12 – as amended by the Decree of the Government of the Republic of Kazakhstan dated 07.08.2024 № 629 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Chapter 3. Withdrawal and termination of refugee status

13. A person shall be deprived of refugee status on the basis of the relevant decision of the local executive body, if he:

1) knowingly provided false information or presented false documents that served as the ground for granting a refugee status;

2) was convicted of a crime against peace, a war crime or a crime against humanity in the definition given to these acts in international instruments concluded for the purpose of taking action against such crimes;

3) was convicted for a serious non-political crime, committed outside the Republic of Kazakhstan before arriving on its territory;

4) was convicted of committing acts contrary to the goals and principles of the United Nations and international organizations, of which Kazakhstan is a member;

5) was convicted for participation in the activities of terrorist, extremist, and banned religious organizations.

14. The local executive body, within five working days from the date of the decision to revoke refugee status, shall hand over or send to the person a copy of the decision indicating the reasons for the decision taken and an explanation of the procedure for appealing it, and shall also inform the authorized body and the internal affairs bodies about the decision taken.

Footnote. Paragraph 14 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 31.10.2024 № 912 (shall be enforced upon expiry of ten calendar days after its first official publication).

15. Refugee status shall be terminated upon expiry of its term in the absence of an extension, and also if a person:

1) acquired the citizenship of the Republic of Kazakhstan or another state and enjoys the protection of the state of which he became a citizen;

2) may no longer decline the protection of the country of his nationality, because the circumstances that led to recognizing him as a refugee have changed;

3) who lost the citizenship of his former state, voluntarily reacquired it;

4) voluntarily re-availed himself of the protection of the country of which he was a national;

5) stated willingness to return to the country of origin, since the grounds for granting him a refugee status have ceased to exist;

6) voluntarily returned to the country which he left because of the risk of persecution;

7) left the Republic of Kazakhstan for permanent residence.

16. When a person's refugee status is terminated, the local executive body shall put a note in the refugee's personal file indicating the grounds for the refugee status termination and the time of its commencement, and shall also notify the internal affairs bodies and the person whose status is terminated if he is in territory of the Republic of Kazakhstan.

The moment of refugee status termination shall be the occurrence of the circumstances set forth in paragraph 15 of these Rules, namely:

1) under subparagraphs 1), 3) - the date of acquiring the relevant citizenship;

2) under subparagraph 2) - the date of notification by the local executive body of the refugee about the change in the circumstances in the country of his citizenship, whereby he was recognized a refugee;

3) under subparagraphs 4), 6) - the date of voluntary return to the country of which he was a national;

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