

On approval of the Rules for entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan and the Rules of migration control, as well as registration of foreigners and stateless persons illegally crossing the State Border of the Republic of Kazakhstan, illegally staying in the Republic of Kazakhstan, and also persons who are prohibited from entering the territory of the Republic of Kazakhstan

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan № 148, dated January 21, 2012.

Unofficial translation

In accordance with subparagraph 7) of Article 8 and paragraph 2 of Article 58 of the Law of the Republic of Kazakhstan "On Population Migration", the Government of the Republic of Kazakhstan **DECIDES**:

Footnote. The preamble is in the wording of the resolution of the Government of the Republic of Kazakhstan dated 12.02.2024 № 80 (effective ten calendar days after the date of its first official publication).

1. The attached hereto:

1) Rules of entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan;

2) Rules of migration control, as well as registration of foreigners and stateless persons illegally crossing the State Border of the Republic of Kazakhstan, illegally staying in the Republic of Kazakhstan, and also persons who are prohibited from entering the territory of the Republic of Kazakhstan.

2. Some decisions of the Government of the Republic of Kazakhstan declared to be no longer in force in accordance with the annex to this resolution.

This Law shall be enforced within 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
№ 148, dated January 21, 2012.

**Rules of entry and stay of immigrants in the Republic of Kazakhstan,
as well as their departure from the Republic of Kazakhstan**

Footnote. Rules as amended by the Resolution of the Government of the Republic of Kazakhstan № 190, dated 07.04.2016 (shall be enforced upon the expiry of ten calendar days after its first official publication).

1. General Provisions

1. These Rules for the entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan (hereinafter – the Rules) are developed in accordance with the Constitution of the Republic of Kazakhstan, the Constitutional Law of the Republic of Kazakhstan "On the Astana International Financial Center", the laws of the Republic of Kazakhstan "On Population Migration", "On the legal status of foreigners" and determine the procedure for the entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan.

Footnote. Paragraph 1 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 12.02.2024 № 80 (effective ten calendar days after the date of its first official publication).

2. Violation of the norms of these Rules entails liability provided for by laws of the Republic of Kazakhstan.

3. The reduction of the length of stay of immigrants in the Republic of Kazakhstan and expulsion from the Republic of Kazakhstan are made on the grounds provided for by the migration law of the Republic of Kazakhstan.

4. If an international treaty ratified by the Republic of Kazakhstan establishes the rules other than those contained in this Code, then the rules of the international treaty will apply.

2. Rules of entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan

5. Immigrants enter the Republic of Kazakhstan and leave the Republic of Kazakhstan through checkpoints at the State Border of the Republic of Kazakhstan, open for international and passenger traffic, by passports or documents replacing them (hereinafter-passports) with visas of the Republic of Kazakhstan, unless otherwise established by legislation of Republic of Kazakhstan and / or international treaties ratified by the Republic of Kazakhstan.

The validity of the visa expires at least three months before the expiry of the immigrant's passport.

6. The permitted period of stay of immigrants in the Republic of Kazakhstan is ending:
for immigrants who arrived in the Republic of Kazakhstan in an order that does not require a visa – after thirty calendar days from the date of crossing the State border of the Republic of Kazakhstan, a total of ninety calendar days during each period of one hundred and eighty calendar days, unless another procedure is established by agreement of the Republic of Kazakhstan with the relevant party or the Government of the Republic of Kazakhstan;

for citizens of the member states of the Eurasian Economic Union – after ninety calendar days from the date of crossing the State border of the Republic of Kazakhstan, a total of ninety calendar days during each period of one hundred and eighty calendar days;

for immigrants who arrived on the basis of a visa to enter the Republic of Kazakhstan - after the expiration of the visa period;

for citizens of states with which the Republic of Kazakhstan has ratified international treaties defining other terms of stay - after the expiration of the terms specified in these treaties;

for immigrants who have issued a temporary residence permit, - after the expiration of this permit;

for immigrants brought to administrative responsibility for previously committed violations of the period of stay in the Republic of Kazakhstan – after fifteen calendar days after the decision on bringing to administrative responsibility;

for immigrants convicted of committing a criminal offense – after ten calendar days after serving their sentence or release from punishment, except in cases of their expulsion on the basis of a court decision;

for immigrants who have permanently resided in the Republic of Kazakhstan and have issued documents for departure from the Republic of Kazakhstan abroad for permanent residence – after thirty calendar days after registration of documents;

for immigrants who, in accordance with the procedure established by the criminal procedure legislation, reported the commission of acts against them recognized as a grave or especially grave crime in accordance with the Criminal Code of the Republic of Kazakhstan - after thirty calendar days after consideration of the application in accordance with the criminal procedure legislation of the Republic of Kazakhstan;

for immigrants sentenced by the courts of the Republic of Kazakhstan conditionally to punishments not related to isolation from society, as well as those released on parole - after fifteen calendar days after the completion of the term of the imposed punishment or the unserved part of the punishment;

for immigrants who, in accordance with the procedure established by the criminal procedure legislation, are recognized as victims or witnesses in criminal cases of such crimes, - the period of stay is extended for the period necessary for the investigation of the criminal case, but not more than ninety calendar days;

in exceptional cases (in case of emergency situations of a social, natural, man-made nature and the introduction of a state of emergency in connection with the real threat of a natural disaster or a large-scale accident (catastrophe), as well as violations of the transport schedule) - the period of stay is extended for the period necessary for the organization of departure, but not more than thirty calendar days.

The immigrants specified in paragraphs seven, eight, nine, ten, eleven, twelve, thirteen of this paragraph shall be notified by the internal affairs bodies in accordance with the annex to these Rules, before the expiration of which the immigrant leaves the Republic of Kazakhstan.

To the immigrants specified in paragraphs two, three, and five of this paragraph, the calculation of the period of stay allowed to them upon entry into the Republic of Kazakhstan

is carried out by calculating from the date of actual entry one hundred and eighty calendar days ago.

If an immigrant exceeds the allowed period of stay upon entry, a decision is made to refuse entry on the basis of paragraph 1) of Article 48 of the Law of the Republic of Kazakhstan "On Population Migration".

During the stay of immigrants specified in paragraphs two, three, and five of this paragraph in the territory of the Republic of Kazakhstan, the calculation of the permitted period of stay is carried out by deducting one hundred and eighty calendar days ago from the date of control (the day on which it is necessary to determine the legality of the immigrant's stay in the territory of the Republic of Kazakhstan).

To the immigrants specified in paragraphs two, three, and five of this paragraph, the calculation of the period of stay allowed to them when leaving the Republic of Kazakhstan is carried out by deduction from the date of actual departure of one hundred and eighty calendar days ago.

A similar procedure for calculating the period of stay is applied for immigrants specified in paragraph 17 of these Rules.

The requirements provided for in paragraphs two and three of this paragraph regarding a stay for a total of ninety calendar days during each period of one hundred and eighty calendar days do not apply to immigrants:

- who have received a temporary residence permit in accordance with the established procedure;

- aircrew members, if there is an entry in the general declaration (flight assignment);

- crew members of sea and river vessels, if there is an entry in the ship's role or an extract from it;

- members of train, refrigerator and locomotive crews according to the formation sheets approved for each flight;

- drivers of cargo vehicles (the permissible total weight of which, including the trailer, is more than 6 tons, or the permissible payload, including the trailer, is more than 3.5 tons) carrying out cargo transportation in international traffic, bus drivers (with more than 12 seats, excluding the driver's seat) carrying out international passenger transportation, and also, when traveling in transit through the territory of the Republic of Kazakhstan;

- employees of the intergovernmental courier service in the presence of official, business trip certificates (prescriptions) issued by the competent authorities of the states of the Parties;

- law enforcement officers escorting suspects, accused and convicted persons in the presence of official, business trip certificates (prescriptions), unless otherwise provided for in international treaties ratified by the Republic of Kazakhstan;

- members of official state and government delegations of the states and their accompanying persons;

employees servicing cross-border facilities located on the territory of the Republic of Kazakhstan, in the presence of official certificates (personal lists certified by the management of organizations (local executive body);

those who belong to the staff and residents in the territories leased from the Republic of Kazakhstan (if there is a document confirming temporary or permanent registration).

Footnote. Paragraph 6 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 12.02.2024 № 80 (effective ten calendar days after the date of its first official publication).

7. Immigrants temporarily staying in the Republic of Kazakhstan shall be prohibited from engaging in labour activities without relevant permits issued by the local executive authority, unless otherwise stipulated by the laws of the Republic of Kazakhstan on migration and/or international treaties ratified by the Republic of Kazakhstan.

Footnote. Paragraph 7 - as reworded by Decree of the Government of the Republic of Kazakhstan № 111 of 04.03.2022 (shall enter into force ten calendar days after the date of its first official publication).

8. Entry into the Republic of Kazakhstan and departure from the Republic of Kazakhstan of immigrants is prohibited on the grounds established by the legislative acts of the Republic of Kazakhstan in the field of migration.

9. Immigrants shall be registered by the internal affairs authorities based on data from receiving persons as well as from the National Security Committee of the Republic of Kazakhstan coming from the state border crossing points of the Republic of Kazakhstan.

Receiving persons shall inform the internal affairs authorities of immigrants staying with them within three working days of their arrival.

Immigrants shall be registered using their identity documents.

Footnote. Paragraph 9 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall become effective ten calendar days after the date of its first official publication).

10. Temporary residence permits shall be issued based on applications from:

1) natural persons to whom immigrants come seeking family reunification;

2) natural or legal persons who have entered into an employment contract with an immigrant as prescribed by law;

3) educational organisations implementing general secondary, technical and vocational, post-secondary, higher and postgraduate education programmes, including organised student exchange programmes and preparatory courses, enrolling immigrants as full-time students;

4) health care organisations where immigrants are receiving inpatient treatment;

5) religious organisations where immigrants are legally engaged in missionary work;

6) local executive bodies – immigrants who arrived for the purpose of carrying out entrepreneurial activities in accordance with the legislation of the Republic of Kazakhstan (business immigrants).

A temporary residence permit is issued for a period not exceeding the validity period of the immigrant's national passport.

A temporary residence permit is issued in the IS MP with the issuance of a temporary residence permit for an immigrant, followed by the transfer of information to the unified information system Berkut (hereinafter referred to as the Berkut UIS).

For immigrants, in respect of whom there is a permit issued in accordance with the procedure established by the legislation of the Republic of Kazakhstan in the field of population migration to attract foreign labor, a permit for a labor immigrant, as well as a temporary residence permit for their family members, is issued for the duration of this permit.

Immigrants who, in accordance with the legislation of the Republic of Kazakhstan in the field of population migration and (or) international treaties ratified by the Republic of Kazakhstan, do not need to obtain the permits specified in part four of this paragraph, as well as their family members, a temporary residence permit is issued for one year with the possibility of annual extension, but may not exceed the validity period of an employment contract or a civil law contract for the performance of work (provision of services).

Immigrants who arrived in the Republic of Kazakhstan from countries with which there are ratified international agreements on visa-free entry and stay in order to carry out activities at the Astana International Financial Center (hereinafter - the AIFC), as well as their family members, a temporary residence permit is issued for one year with the possibility of annual extension, but cannot exceed the validity period of an employment contract or a civil contract for the performance of work (provision of services).

AIFC investment residents who have arrived from countries with which there are ratified international agreements on visa-free entry and stay, as well as their family members, a temporary residence permit is issued at the request of the AIFC administration for one year with the possibility of annual extension, but not more than five years. At the same time, the validity period of a temporary residence permit for family members of an AIFC investment resident may not exceed the validity period of a temporary residence permit for an AIFC investment resident.

For immigrants who arrived for the purpose of education, vocational training and (or) internship, a temporary residence permit is issued for one year, but may not exceed the period of study, training or internship.

For immigrants who arrived in the Republic of Kazakhstan for the purpose of family reunification, a temporary residence permit is issued at the request of the inviting persons for the periods provided for by the Law of the Republic of Kazakhstan "On Population Migration".

For immigrants undergoing inpatient treatment in medical institutions, a temporary residence permit is issued at the request (medical certificate) of a health organization for the period necessary for treatment.

Registration of asylum seekers and refugees is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan on refugees.

Business immigrants who have arrived from countries that have concluded international agreements on visa-free entry and stay with the Republic of Kazakhstan, ratified by the Republic of Kazakhstan, as well as their family members, a temporary residence permit is issued at the request of the local executive body for one year with the possibility of annual extension, but not more than three years.

For immigrants carrying out missionary activities in accordance with the procedure established by law, a temporary residence permit is issued at the request of religious organizations registered in the Republic of Kazakhstan for the period specified in the application, but not more than one year.

For immigrants detected and identified as victims of human trafficking in the territory of the Republic of Kazakhstan, a temporary residence permit is issued at the request of the local executive body for six months with the possibility of extension, but not more than three months.

The following are exempt from obtaining a temporary residence permit:

immigrants who arrived in the Republic of Kazakhstan with a visa of the Republic of Kazakhstan;

having a diplomatic or service passport;

under the age of 16.

If an immigrant changes his temporary place of residence in the Republic of Kazakhstan, the hosting person notifies the internal affairs bodies within three working days.

Footnote. Paragraph 10 - as reworded by Decree of the Government of the Republic of Kazakhstan № 807 of 10.10.2022 (shall be put into effect ten calendar days after the date of its first official publication); as amended by the resolution of the Government of the Republic of Kazakhstan dated 12.02.2024 № 80 (effective ten calendar days after the date of its first official publication).

11. Immigrants who have applied to the internal affairs authorities for a permanent residence permit in the Republic of Kazakhstan shall be granted a temporary residence permit for the period required for the examination of the application, but for no longer than ninety calendar days.

Footnote. Paragraph 11 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall enter into force ten calendar days after the date of its first official publication).

12. Excluded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall be enforced ten calendar days after the date of its first official publication).

13. Immigrants arriving for the purpose of employment shall be categorised as follows:

1) foreign employees - immigrants:

those arriving for self-employment in professions in demand in priority sectors of the economy (economic activities);

those engaged by employers to work in the territory of the Republic of Kazakhstan including those arriving as part of an intra-corporate transfer;

2) business immigrants - immigrants who have arrived for the purpose of engaging in business activities under the laws of the Republic of Kazakhstan;

3) seasonal foreign employees - immigrants hired by employers for a period not exceeding one year to perform seasonal work, which because of climatic or other natural conditions is performed during a certain period (season), pursuant to the list of occupations approved by the competent authority for population migration in agreement with the competent public authorities in charge of the respective sphere of public administration;

4) labour immigrants - immigrants who have arrived in the Republic of Kazakhstan as domestic workers for the purpose of performing work (services) for employers - natural persons in the household based on a permit for a labour immigrant.

Footnote. Paragraph 13 as reworded by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall take effect ten calendar days after the date of its first official publication).

14. Involvement of foreign labour force as well as implementation of labour activities by immigrants temporarily staying in the Republic of Kazakhstan shall be performed upon permission of the local executive authority within the quota established by the competent authority for population migration issues, unless otherwise stipulated by the laws of the Republic of Kazakhstan on population migration and/or international treaties of the Republic of Kazakhstan ratified by the Republic of Kazakhstan.

Footnote. Paragraph 14 - as reworded by Decree of the Government of the Republic of Kazakhstan № 111 of 04.03.2022 (shall come into force ten calendar days after the date of its first official publication).

15. In case of non-fulfillment by business immigrants of the duties established by the Law of the Republic of Kazakhstan "On Population Migration", the internal affairs bodies, on the basis of a petition from local executive bodies, decide to reduce the period of stay of business immigrants for the period necessary for their voluntary departure.

Footnote. Paragraph 15 – as amended by the resolution of the Government of the Republic of Kazakhstan dated 12.02.2024 № 80 (effective ten calendar days after the date of its first official publication).

16. Seasonal foreign workers, immigrants arriving for humanitarian reasons shall apply for a temporary residence permit on general grounds, unless otherwise envisaged by the laws of the Republic of Kazakhstan on migration and/or international treaties ratified by the Republic of Kazakhstan.

Footnote. Paragraph 16 as reworded by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall be put into effect ten calendar days after the date of its first official publication).

3. The order of entry and stay of citizens from individual foreign states in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan

Note!

Paragraph 17 is suspended until 11:59 p.m. of 31.12.2021 by Decree of the Government of the Republic of Kazakhstan № 220 of 17.04.2020.

17. Citizens of the Commonwealth of Australia, United States of America, Republic of Austria, Kingdom of Bahrain, Kingdom of Belgium, Republic of Bulgaria, United Arab Emirates, Holy See of Vatican, Socialist Republic of Vietnam, Federal Republic of Germany, Hellenic Republic, Kingdom of Denmark, New Zealand, Japan, Republic of Israel, Republic of Ireland, Republic of Iceland, Republic of Indonesia, Italian Republic, Canada, State of Qatar, Republic of Colombia, Republic of Korea, Republic of Cyprus, Republic of Kuwait, Republic of Latvia, Republic of Lithuania, Principality of Liechtenstein, Grand Duchy of Luxembourg, Hungary, Malaysia, Republic of Malta, United States of Mexico, Principality of Monaco, Kingdom of the Netherlands, Kingdom of Norway, Sultanate of Oman, Republic of Poland, Portuguese Republic, Romania, Kingdom of Saudi Arabia, Republic of Singapore, Slovak Republic, Republic of Slovenia, Kingdom of Thailand, Republic of Turkey, United Kingdom of Great Britain and Northern Ireland, Republic of the Philippines, Republic of Finland, French Republic, Republic of Croatia, Czech Republic, of the Republic of Chile, the Swiss Confederation, the Kingdom of Sweden and the Republic of Estonia shall enter and leave the Republic of Kazakhstan without a visa if their period of stay in the Republic of Kazakhstan does not exceed thirty calendar days after crossing the state border of the Republic of Kazakhstan, for a total of ninety calendar days within each period of one hundred and eighty calendar days.

Citizens of the Islamic Republic of Iran, the People's Republic of China and the Republic of India shall enter and leave the Republic of Kazakhstan without a visa if their period of stay in the Republic of Kazakhstan does not exceed fourteen calendar days after crossing the state border of the Republic of Kazakhstan, forty-two calendar days in total during each period of one hundred and eighty calendar days.

Footnote. Paragraph 17 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall become effective on the expiry of ten calendar days after its first official publication); as amended by Decree of the Government of the Republic of Kazakhstan № 464 of 07.07.2022 (shall take effect from the date of its first official publication).

18. If citizens of the states mentioned in the first part of paragraph 17 hereof submit applications for extension of stay in the territory of the Republic of Kazakhstan for more than thirty calendar days for business purposes, the internal affairs authorities of the Republic of Kazakhstan shall grant single-entry visas of the business category for a period up to thirty calendar days.

Footnote. Paragraph 18 - as reworded by Decree of the Government of the Republic of Kazakhstan № 464 of 07.07.2022 (shall be put into effect from the date of its first official publication).

19. The internal affairs bodies of the Republic of Kazakhstan, upon request of the authorized investment body, confirming the status of an investor to citizens of the countries specified in article 17 of these Rules, issue one-time investment visas for up to ninety calendar days.

19-1. Upon an application of the AIFC administration confirming the investment resident status of citizens of the states indicated in paragraph 17 hereof, the internal affairs authorities of the Republic of Kazakhstan shall issue visas of the investor category for up to five years, as well as extend their validity period.

Footnote. The Rules have been supplemented by paragraph 19-1 as per Decree of the Government of the Republic of Kazakhstan № 140 of 17.03.2021 (shall be brought into force ten calendar days after the date of its first official publication).

20. Migrant workers from member states of the Eurasian Economic Union and members of their families shall arrive in the Republic of Kazakhstan without visas, as well as stay in and leave the Republic of Kazakhstan without visas during the permitted period of stay referred to in paragraph 10 hereof.

Footnote. Paragraph 20 as reworded by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall come into force ten calendar days after the date of its first official publication).

21. Foreigners sentenced to imprisonment by Kazakhstan's courts shall remain in the Republic of Kazakhstan without visas or temporary residence permits.

Footnote. Paragraph 21 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall become effective on the expiry of ten calendar days after its first official publication).

4. Movement and transit of immigrants through the territory of the Republic of Kazakhstan and the choice of their place of residence in the Republic of Kazakhstan

22. Immigrants are free to move within the territory of the Republic of Kazakhstan, open for foreigners to visit, and elect a place of residence in accordance with the procedure established by the legislation of the Republic of Kazakhstan in the field of migration. Restrictions on movement and choice of residence are established by the Government of the

Republic of Kazakhstan in accordance with subparagraph 7) of Article 7 of the Law of the Republic of Kazakhstan "On State Secrets".

23. The procedure for the movement of foreigners in the Republic of Kazakhstan, as well as their entry into certain areas (territories) closed to foreigners, is determined by the Ministry of Internal Affairs of the Republic of Kazakhstan in coordination with the Committee of National Security of the Republic of Kazakhstan.

24. For entry into the Republic of Kazakhstan and departure from the Republic of Kazakhstan of immigrants passing through the territory of the Republic of Kazakhstan in transit, transit visas of the Republic of Kazakhstan are issued.

25. Transit travel of foreigners through the territory of the Republic of Kazakhstan is allowed for a period of not exceeding five days if they have documents (visa) valid for entry into a third country.

26. Foreigners passing through the territory of the Republic of Kazakhstan in transit to a country with which the state of their citizenship has an agreement on visa-free entry shall issue a transit visa of the Republic of Kazakhstan.

26-1. Excluded by Decree of the Government of the Republic of Kazakhstan № 464 of 07.07.2022 (shall be enacted from the date of its first official publication).

27. If there is a breach of the law of the Republic of Kazakhstan in the field of migration or if there are no further grounds for immigrants to stay in the Republic of Kazakhstan, the period of their stay in the Republic of Kazakhstan shall be shortened.

Immigrants who infringe the rules of stay in the Republic of Kazakhstan, i.e. who live without residence documents or with invalid documents, who evade departure at the end of their defined period of stay, as well as who do not observe the rules for transit through the territory of the Republic of Kazakhstan, shall be administratively liable under the laws of the Republic of Kazakhstan in the field of population migration.

In the event of breaches of the laws of the Republic of Kazakhstan in the field of migration at the state border checkpoints of the Republic of Kazakhstan, resulting in a warning or a fine, and if a foreigner or stateless person admits an offence, the foreigner or stateless person shall leave the country based on a procedural decision issued by internal affairs authorities or the Border Guard Service of the National Security Committee of the Republic of Kazakhstan.

Footnote. Paragraph 27 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall become effective on the expiry of ten calendar days after its first official publication).

28. Decisions to reduce the period of stay of immigrants in the Republic of Kazakhstan shall be made by the internal affairs bodies.

29. If the court decides to expel foreigners and stateless persons, they may be detained and held in special facilities of the internal affairs authorities for the period required for organising the expulsion, but for a maximum of thirty days.

Footnote. Paragraph 29 as reworded by Decree of the Government of the Republic of Kazakhstan № 140 of 17.03.2021 (shall be put into effect ten calendar days after the date of its first official publication).

30. An immigrant can appeal in civil proceedings against the decision to expel him from the Republic of Kazakhstan.

31. The issue of liability for violating the order of stay by immigrants enjoying privileges and immunities, in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan, as well as reducing the length of their stay in the Republic of Kazakhstan is resolved through diplomatic channels.

32. Immigrants revealed and identified as victims of trafficking in human beings on the territory of the Republic of Kazakhstan shall not be deported from the Republic of Kazakhstan to their state of origin (foreigner's country of citizenship) until the process of providing the guaranteed scope of special social services under the current laws of the Republic of Kazakhstan on the provision of special social services, during which time they decide to apply to law enforcement authorities and cooperate with them.

Footnote. Chapter 4 has been supplemented with paragraph 32 as per Decree of the Government of the Republic of Kazakhstan № 807 dated 10.10.2022 (shall enter into force ten calendar days after the date of its first official publication).

Annex
to the Rules for the Entry and Stay of
Immigrants
in the Republic of Kazakhstan and their
Departure
from the Republic of Kazakhstan as well
as the Rules
for Migration Control and Registration of
Foreigners
and Stateless Persons Illegally Crossing
the State Border
of the Republic of Kazakhstan, Illegally
Residing
in the Republic of Kazakhstan and
Persons Prohibited
from Entering the Territory of the
Republic of Kazakhstan

Footnote. The Rules have been supplemented by the Annex as per Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall be enacted ten calendar days after the date of its first official publication).

Notification № _____

Full name: _____

(surname, name, patronymic (if any) according to the passport in Latin or Cyrillic characters)

Passport №: _____

(the foreigner's passport series and number)

Nationality: _____

(foreigner's nationality)

Staying period: from "___" _____ 20__ to "___" _____ 20__

Address of residence in the Republic of Kazakhstan: _____

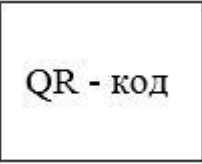
(full address)

Authority issuing the notification: _____

(the name of the police department)

Responsible officer: _____

Date of issue: "___" _____ 20__

 <p>QR - код</p>	<p>THE DOCUMENT IS VALID WHEN PRESENTED WITH A NATIONAL PASSPORT</p>
<p>QR-code</p>	

Approved
by Resolution of the
Government of the
Republic of Kazakhstan
№ 148, dated January 21, 2012

**Rules of the
migration control, as well as registration of
foreigners and stateless persons illegally crossing the
State border of the Republic of Kazakhstan,
illegally residing in the territory of the Republic of Kazakhstan, as well as
persons prohibited from entering the territory of the Republic of Kazakhstan**

1. General provisions

1. These Rules are developed in accordance with the Constitution of the Republic of Kazakhstan, the Laws of the Republic of Kazakhstan of July 22, 2011 "On Migration of the Population", of June 19, 1995 "On the Legal Status of Foreigners" (hereinafter - the Rules) and determine the procedure of:

1) Realization of migration control;
2) registration of foreigners and stateless persons illegally crossing the State Border of the Republic of Kazakhstan, illegally staying on the territory of the Republic of Kazakhstan, as well as persons who are prohibited from entering the territory of the Republic of Kazakhstan.

2. Control over compliance with the requirements of these Rules by foreigners and stateless persons, as well as officials and citizens of the Republic of Kazakhstan shall be

carried out by the internal affairs bodies of the Republic of Kazakhstan (hereinafter-internal affairs bodies) in cooperation with the national security bodies of the Republic of Kazakhstan (hereinafter-national security bodies) .

2. Realization of migration control

3. Migration control over the order of stay in the Republic of Kazakhstan of foreigners and stateless persons is carried out by the internal affairs bodies.

4. Immigrants shall be registered by the internal affairs authorities at the place of temporary residence of immigrants, including by obtaining information via the Berkut UIS, the visa and migration portal (www.vmp.gov.kz) of the Berkut UIS, the e-Qonaq Information System (www.eqonaq.kz) and the information system of the Ministry of Internal Affairs of the Republic of Kazakhstan.

Foreigners entering with a visa of the Republic of Kazakhstan when crossing the state border shall be automatically recorded using the Berkut UIS at the address given by the inviting party when issuing the invitation.

Natural and legal persons receiving immigrants shall enter data into the Berkut UIS visa and migration portal using a personal electronic digital signature via the websites www.vmp.gov.kz or egov.kz or give notifications when directly contacting the migration service offices or send them by post. Notifications on the stay of foreigners and stateless persons may also be submitted via the e-Qonag Information System through the website www.eqonaq.kz by users of the said system.

Footnote. Paragraph 4 - as reworded by Decree of the Government of the Republic of Kazakhstan № 111 of 04.03.2022 (shall become effective ten calendar days after the date of its first official publication).

5. In the course of migration control, internal affairs officers shall:

1) check whether a foreigner has a national passport, visa or temporary residence permit, and foreigners permanently residing in the Republic of Kazakhstan and stateless persons have residence permits or stateless person certificates;

2) monitor the timely departure of foreigners abroad or the extension of their residence in the Republic of Kazakhstan;

3) check for permits to stay in areas closed to free entry to foreigners.

Footnote. Paragraph 5 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall be enacted ten calendar days after the date of its first official publication).

6. Internal affairs officers control:

1) at the place of permanent residence or temporary stay of foreigners;

2) at the place of work or study of foreigners;

3) air, rail, and other types of transport;

4) on the streets and in public places.

7. Control can be conducted by:

- 1) by passing the living quarters of citizens;
- 2) inspecting hostels and hotels and other places of probable residence of foreigners;
- 3) train escort;
- 4) vehicle inspections;
- 5) preventive and special measures;
- 6) using other forms and methods provided by the current legislation.

8. The court decision on expulsion from the Republic of Kazakhstan shall be enforced by means of controlled self-departure of the expelled person from the Republic of Kazakhstan using the Berkut UIS.

Foreigners or stateless persons shall be forcibly removed by a court decision unilaterally with a certificate of removal drawn up, or by handing over to a representative of the authority of the foreign state to the territory of which the person in question is being removed.

Foreigners or stateless persons shall be expelled under a court ruling (verdict) on expulsion.

For persons expelled from the Republic of Kazakhstan, the court ruling on expulsion shall serve as a document that replaces the visa and temporary residence permit.

Footnote. Paragraph 8 as reworded by Decree of the Government of the Republic of Kazakhstan № 342 of 02.06.2020 (shall take effect ten calendar days after the date of its first official publication).

8-1. Supplemented by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall be enforced ten calendar days after the date of its first official publication); excluded by Decree of the Government of the Republic of Kazakhstan № 1146 of 31.12.2022 (shall become effective ten calendar days after the date of its first official publication).

**3. Accounting for foreigners and stateless persons
illegally crossing the State Border of the Republic of Kazakhstan,
illegally staying on the territory of the Republic of Kazakhstan,
as well as persons who are prohibited from entering the
Republic of Kazakhstan**

9. Registration of foreigners or stateless persons who have committed violations of the law is carried out by internal affairs bodies and national security authorities, in electronic format, as well as by filling in relevant information records.

10. Territorial subdivisions of internal affairs and national security bodies independently keep records of foreigners and stateless persons brought to administrative and criminal responsibility for violations of the law related to the illegal crossing of the State border of the Republic of Kazakhstan, illegal stay in the territory of the Republic of Kazakhstan.

11. The internal affairs bodies and the national security authorities promptly fill the Berkut UIS with information regarding foreigners and stateless persons who have committed a violation of the law.

12. Information upon the number and personal data of foreigners brought to administrative responsibility by the territorial divisions of the internal affairs bodies is provided monthly to the Ministry of Internal Affairs of the Republic of Kazakhstan.

13. Under Article 48 of the Law of the Republic of Kazakhstan of July 22, 2011 "On Migration", foreigners who have previously been deported from Kazakhstan shall be prohibited from entering the Republic of Kazakhstan for a period of five years from the date of execution of the court decision on deportation.

Following enforcement of the court decision, the initiating authority shall enter data on persons banned from entering the Republic of Kazakhstan into the Berkut UIS within one working day after its entry into force.

Footnote. Paragraph 13 as reworded by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall be put into effect ten calendar days after the date of its first official publication).

14. Excluded by Decree of the Government of the Republic of Kazakhstan № 691 of 22.10.2020 (shall be enforced ten calendar days after the date of its first official publication).

Annex
to the Resolution of the Government of
the
Republic of Kazakhstan
№ 148 of January 21, 2012

**List of some decisions of the
Government of the Republic of Kazakhstan that have
lost their force**

1. Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 "Selected issues of legal regulation of the stay of foreigners in the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 2000, № 4, Art. 55).

2. Resolution of the Government of the Republic of Kazakhstan № 956, dated June 27, 2000 "On Amending the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000" (CAPG of the Republic of Kazakhstan, 2000, № 27, Art. 320).

3. Resolution of the Government of the Republic of Kazakhstan № 595, dated May 29, 2002 "On Making Addendum to the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000" (CAPG of the Republic of Kazakhstan, 2002, № 16, Art. 171).

4. Resolution of the Government of the Republic of Kazakhstan № 241, dated March 13, 2003 "On some measures to strengthen migration control" (CAPG of the Republic of Kazakhstan, 2003, № 10, Art. 119).

5. Resolution of the Government of the Republic of Kazakhstan № 702, dated July 17, 2003 "On Making Addendum to the resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 " (CAPG of the Republic of Kazakhstan 2003, № 29, Art. 702).

6. Resolution of the Government of the Republic of Kazakhstan № 881, dated August 20, 2004 "On Amendments and Addendum to the resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 " (CAPG of the Republic of Kazakhstan, 2004, № 30, Art. 412).

7. Resolution of the Government of the Republic of Kazakhstan № 756, dated July 20, 2005 "On Amendments and Addendum to the resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000" (CAPG of the Republic of Kazakhstan, 2005, № 31, Art. 399).

8. Resolution of the Government of the Republic of Kazakhstan № 725, dated August 1, 2006 "On Amendments to the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 " (CAPG of the Republic of Kazakhstan, 2006, № 28, Art. 305).

9. Resolution of the Government of the Republic of Kazakhstan № 854, dated September 7, 2006 "On amendments and addendum to the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 " (CAPG of the Republic of Kazakhstan, 2006, № 34, Art. 366).

10. Sub-paragraph 1) of paragraph 1 of resolution of the Government of the Republic of Kazakhstan of 10 August 2007 № 688 "On Amendments and Addendum to the Decisions of the Government of the Republic of Kazakhstan of 28 January 2000 № 136 and 26 November 2003 № 1185" (CAPG of the Republic of Kazakhstan, 2007, № 28, Art. 323).

11. Subparagraph 1) of paragraph 1 of resolution of the Government of the Republic of Kazakhstan № 166, dated March 3, 2010 "On Amendments and Addendum to the Decisions of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 and № 1063, July 12, 2000 " (CAPG of the Republic of Kazakhstan, 2010, № 22-23, Art. 169).

12. Resolution of the Government of the Republic of Kazakhstan № 307, dated April 14, 2010 "On Amendments to the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000 " (CAPG of the Republic of Kazakhstan, 2010, № 30, Art. 228).

13. Resolution of the Government of the Republic of Kazakhstan № 466, dated April 29, 2011 "On Amendments and Addendum to the Resolution of the Government of the Republic of Kazakhstan № 136, dated January 28, 2000" (CAPG of the Republic of Kazakhstan, 2011, № 36, Art. 432).

