

**On the Commission for Citizenship under the President of the Republic of Kazakhstan**

***Unofficial translation***

Decree of the President of the Republic of Kazakhstan No. 198 dated October 10, 2006.

      *Unofficial translation*

      Shall be subject to publication in

      “Collected Acts of the President

      and the Government”

      In conformity with sub-paragraph 14) of Article 44 of the Constitution of the Republic of Kazakhstan and sub-paragraph 3) of paragraph 2 of Article 33 of the Constitutional Law of the Republic of Kazakhstan of December 26, 1995 "On the President of the Republic of Kazakhstan, **I HEREBY RESOLVE AS FOLLOWS**:

      1. That the following shall be approved:

      1) the Regulation on the Commission for Citizenship under the President of the Republic of Kazakhstan in compliance with Appendix 1;

      2) the composition of the Commission for Citizenship under the President of the Republic of Kazakhstan pursuant to Appendix 2.

      2. That the local executive bodies shall finance the costs of resettlement of persons granted political asylum in the Republic of Kazakhstan at the expense of local budgets allocated for resettlement activities.

      3. That the following decrees shall be deemed to have lost force:

      1) Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996 “On the Establishment of the Commission for Citizenship”;

      2) Decree of the President of the Republic of Kazakhstan N 3057 dated July 15, 1996 “On the Procedure for Granting Political Asylum to Foreign Citizens and Stateless Persons in the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1996, N 35, art. 326);

      3) Decree of the President of the Republic of Kazakhstan N 3120 dated September 27, 1996 “On Approval of the Rules for Consideration of Issues Relating to Citizenship of the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1996, N 38, art. 355);

      4) Decree of the President of the Republic of Kazakhstan N 3349 dated February 7, 1997 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996 “On the Establishment of the Commission for Citizenship”;

      5) Decree of the President of the Republic of Kazakhstan N 3568 dated June 20, 1997 “On Amendments to Decree of the President of the Republic of Kazakhstan N 3057 dated July 15, 1996” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1997, N 29, art. 256);

      6) Decree of the President of the Republic of Kazakhstan N 335 dated February 11, 2000 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3120 dated September 27, 1996”

      7) Decree of the President of the Republic of Kazakhstan N 336 dated February 11, 2000 “On Amendments to Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996”

      8) Decree of the President of the Republic of Kazakhstan N 374 dated April 19, 2000 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3057 dated July 15, 1996”

      9) Decree of the President of the Republic of Kazakhstan N 719 dated November 7, 2001 “On Amendments to Decrees of the President of the Republic of Kazakhstan № 3108 dated September 13, 1996 and № 3039 dated June 18, 1996”;

      10) Decree of the President of the Republic of Kazakhstan N 808 dated February 19, 2002 “On Amendments to Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996”

      11) Decree of the President of the Republic of Kazakhstan N 1064 dated April 4, 2003 “On Amendments to Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996”;

      12) Decree of the President of the Republic of Kazakhstan N 1410 dated August 2, 2004 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3120 dated September 27, 1996”;

      13) sub-paragraph 1) of paragraph 1 of Decree of the President of the Republic of Kazakhstan N 1504 dated December 15, 2004 “On Amending Certain Acts of the President of the Republic of Kazakhstan”;

      14) Decree of the President of the Republic of Kazakhstan N 1167 dated November 7, 2005 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3120 dated September 27, 1996” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2005, N 39, art. 553);

      15) Decree of the President of the Republic of Kazakhstan N 76 dated March 28, 2006 “On Amendments and Additions to Decree of the President of the Republic of Kazakhstan N 3039 dated June 18, 1996”.

      4. That this Decree shall come into force upon signing.

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*President of the Republic of Kazakhstan*
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|   | APPENDIX 1APPROVED BYDecree of the President of the Republic of KazakhstanN 198 dated October 10, 2006 |

 **REGULATION**
**on the Commission for Citizenship**
**under the President of the Republic of Kazakhstan 1. General provisions**

      1. In compliance with sub-paragraph 14) of article 44 of the Constitution of the Republic of Kazakhstan, subparagraphs 4), 5) of article 19 and subparagraph 3) of paragraph 2 of article 33 of the Constitutional Law of the Republic of Kazakhstan dated December 26, 1995 “On the President of the Republic of Kazakhstan”, this Regulation on the Commission for Citizenship under the President of the Republic of Kazakhstan (hereinafter - Regulation) determines the work arrangements of the Commission for Citizenship under the President of the Republic of Kazakhstan.

      2. The decision on the change of citizenship and the granting of political asylum shall be taken by the President of the Republic of Kazakhstan based on the applications submitted to him.

      3. The President of the Republic of Kazakhstan may, at his discretion, decide on matters of citizenship or political asylum.

      The preliminary processing of the necessary materials in this case and their further examination shall be carried out in conformity with the procedure laid down in paragraphs 17, 18, 19 and 24 of this Regulation.

      4. A change of citizenship shall take the form of:

      1) admission to citizenship;

      2) restoration of citizenship;

      3) renunciation of citizenship;

      4) loss of citizenship;

      5) deprivation of citizenship.

      Footnote. Paragraph 4 as supplemented by Decree of the President of the Republic of Kazakhstan № 471 dated 05.05.2017.

      4-1. Loss of citizenship and deprivation of citizenship of the Republic of Kazakhstan shall be executed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

      Footnote. The regulation was supplemented with paragraph 4-1 in accordance with the Decree of the President of the Republic of Kazakhstan dated 05.05.2017 № 471; as amended by the Decree of the President of the Republic of Kazakhstan dated 01.07.2022 № 952.

      5. Political asylum shall be granted to foreign nationals and stateless persons and their family members seeking asylum and protection from persecution or a real risk of persecution in their country of nationality and/or residence for socio-political activities, racial or national origin, religious beliefs or in cases of violation of human rights under international law.

 **2. Commission for Citizenship under the President of the Republic of Kazakhstan**

      6. Consideration of materials concerning the issues related to citizenship and the granting of political asylum shall be carried out by the Commission for Citizenship under the President of the Republic of Kazakhstan (hereinafter the Commission), which is an advisory and consultative body under the President of the Republic of Kazakhstan.

      7. The composition of the Commission shall be approved by the President.

      8. The commission shall comprise the chairman, his deputy, the secretary and other members of the commission. The Commission shall be headed by the State Counselor of the Republic of Kazakhstan. The Deputy Chairman of the Commission is the Assistant to the President of the Republic of Kazakhstan on legal issues, the secretary is the head of the State Legal Department of the Administration of the President of the Republic of Kazakhstan.

      The Commission shall include, ex officio, the Chairman of the National Security Committee of the Republic of Kazakhstan, the Minister of Foreign Affairs of the Republic of Kazakhstan, the Minister of Internal Affairs of the Republic of Kazakhstan, the Minister of Justice of the Republic of Kazakhstan, the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan, the Chairman of the Committee for the Protection of Children's Rights of the Ministry of Education of the Republic of Kazakhstan.

      The Commission may include deputies of the Parliament of the Republic of Kazakhstan, representatives of non-governmental organizations and other persons.

      Footnote. Paragraph 8 as reworded by Decree of the President of the Republic of Kazakhstan № 284 dated 13.03.2017; as amended by Decrees of the President of the Republic of Kazakhstan № 784 dated 04.04.2014; № 911 dated 17.09.2014; № 446 dated 14.03.2017; dated 01.07.2022 № 952; dated 20.10.2023 № 384.

      9. In the absence of the Chairman at a meeting of the Commission, his/her duties shall be taken over by the Vice-Chairman of the Commission.

      10. A meeting of the Commission shall be deemed competent if attended by more than half of its members.

      11. The Chairman of the Constitutional Court and the Chairman of the Supreme Court may attend the meetings of the Commission and speak on the issues discussed.

      Footnote. Paragraph 11 - as amended by the Decree of the President of the Republic of Kazakhstan dated 02.01.2023 № 78 (shall come into effect from 01.01.2023).

      12. The Commission shall be entitled to invite to its meetings representatives of any state bodies and public associations and other persons in order to obtain necessary additional information on applications for change of citizenship or granting political asylum.

      13. The Commission shall be entitled to request additional documents and materials in a pending case from the relevant public authorities, which shall provide the necessary information within a time limit set by the Commission.

      In its activities, the Commission may co-operate as appropriate with governmental bodies, non-governmental organisations and international organisations.

      14. When examining the issue of change of citizenship or granting political asylum, the Commission shall comprehensively assess the petitioner's arguments, the content of the submission, opinions of state authorities, other documents and duly documented testimonies.

      15. The decision of the Commission shall be adopted by a majority vote of its members present at the meeting. If the votes of the members of the Commission are divided equally, the vote of the presiding chairperson shall be decisive. The decision of the Commission shall be documented in the minutes signed by the chairman.

      Footnote. Paragraph 15 - as amended by the Decree of the President of the Republic of Kazakhstan dated 13.05.2021 № 572.

      16. The working body of the Commission shall be the State Legal Department of the Executive Office of the President of the Republic of Kazakhstan, which shall carry out:

      1) preliminary review of submitted materials on issues of citizenship or political asylum, preparation of necessary materials with its conclusion for consideration by the Commission and the President of the Republic of Kazakhstan;

      2) control over the timely implementation of decrees of the Head of State on issues of change of citizenship and granting political asylum;

      3) generalisation of the practice of application of legislation on issues of citizenship and political asylum;

      4) other powers stipulated by the Regulation on the Executive Office of the President of the Republic of Kazakhstan and this Regulation.

      Footnote. Paragraph 16 as amended by Decree of the President of the Republic of Kazakhstan № 576 dated 24.04.2008.

 **3. Procedure for the consideration of issues surrounding the citizenship of the**
**Republic of Kazakhstan**

      17. Persons permanently residing in the Republic of Kazakhstan shall submit applications for a change of citizenship to the bodies of internal affairs at the place of their registration.

      An application for admission to citizenship of Kazakhstan shall be accompanied by:

      an application form in the form approved by the Ministry of Internal Affairs of the Republic of Kazakhstan;

      an autobiography;

      four 3.5x4.5 format photographs;

      an undertaking to comply with the conditions stipulated by Article 1 of the Law of the Republic of Kazakhstan "On Citizenship of the Republic of Kazakhstan";

      a criminal record certificate;

      a document on payment of the state duty or exemption from its payment;

      a certificate on the absence or termination of previous citizenship issued by a competent body of another state.

      In addition to the documents listed above, the application for restoration of citizenship shall be accompanied by documents certifying the petitioner's former citizenship of Kazakhstan (birth certificate, etc.).

      In addition to the documents listed above, the following shall be submitted by:

      1) the persons who meet the requirements of the list of professions and requirements for persons in respect of whom a simplified procedure of admission to citizenship of the Republic of Kazakhstan is established, approved by Decree of the President of the Republic of Kazakhstan N 1587 dated June 6, 2005 - a petition of a relevant state body;

      2) excluded by the Decree of the President of the Republic of Kazakhstan dated 13.05.2021 № 572;

      3) the persons specified in subparagraph 2) of Article 16 of the Law, documents certifying the degree of kinship with citizens of the Republic of Kazakhstan (birth certificate, marriage certificate, etc.).

      The application for renunciation of citizenship of Kazakhstan shall be accompanied by:

      an application form;

      an autobiography;

      three 3.5 x 4.5 format photographs;

      copies of children's birth and marriage certificates;

      a certificate from the territorial defence department stating that a person of call-up age is exempt from active military service or cannot be exempted;

      an employment confirmation letter or an enrollment certificate, as well as a certificate from the territorial body of enforcement proceedings on the presence or absence of unfulfilled obligations to the state or property obligations related to the interests of citizens, state bodies and organisations, irrespective of the form of ownership;

      a document confirming the payment of the state duty or exemption from its payment.

      The bodies of internal affairs in relation to a person applying for renunciation of citizenship shall request information concerning his/her involvement in criminal proceedings as an accused or serving a sentence under a court sentence that has entered into legal force.

      If the petitioner has a spouse or dependants in the Republic of Kazakhstan, he/she shall submit a notarised declaration from these persons stating that they have no financial or other claims.

      Footnote. Paragraph 17 as amended by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014; dated 13.05.2021 № 572.

      18. A citizen of the Republic of Kazakhstan permanently residing outside the country shall submit an application for renunciation of citizenship through foreign institutions, accompanied by:

      an application form approved by the Ministry of Foreign Affairs of the Republic of Kazakhstan;

      an autobiography;

      three 3.5 x 4.5 format photographs;

      copies of birth certificates of children and marriage certificates;

      proof of payment of the consular fee.

      If the petitioner has a spouse or dependants in the Republic of Kazakhstan, he/she shall submit a notarised declaration by these persons stating that they have no pecuniary or other claims.

      *Footnote. Paragraph 18 as amended by Decree of the President of the Republic of Kazakhstan* *№ 784 of 04.04.2014.*

      19. A petition for a change of citizenship, certified by a notary, for persons under the age of 18, as well as persons declared incapable, shall be submitted by their legal representatives, and in other states - certified by foreign institutions accompanied by a copy of the child's birth certificate (adopters, guardians and custodians shall submit a copy of the decision of the local executive body) either by an identity document of the incapacitated person.

      Minors aged between 14 and 18 years old shall enclose a notarially certified or, in other countries, a written consent certified by an overseas authority with the parents' application.

      20. Applications for a change of citizenship shall be subject to mandatory registration and examination.

      If the petitioners fail to comply with the procedure for submitting documents, the internal or foreign affairs authorities shall be entitled to suspend the processing of materials until the deficiencies are remedied with notification to the petitioner.

      *Footnote. Paragraph 20 as amended by Decree of the President of the Republic of Kazakhstan* *№ 784 of 04.04.2014.*

      21. The internal affairs authorities at the place of residence of the petitioner shall send the completed materials to the police departments of the regions, cities of republican status and the capital, which shall coordinate them with the relevant national security bodies.

      The materials with the opinion of the national security bodies shall be sent by the police departments of the regions, cities of republican status and the capital to the Ministry of the Internal Affairs, which shall draw up its opinion and submit it together with the materials to the working body of the Commission.

      *Footnote. Paragraph 21 as reworded by Decree of the President of the Republic of Kazakhstan* *№ 151 of 10.09.2019.*

      22. The foreign institutions shall send the completed materials with their opinion to the Ministry of Foreign Affairs, which, after consulting with the National Security Committee and drawing up an opinion, shall also submit them to the working body of the Commission.

      23. The processing time of the application for a change of citizenship by the local internal affairs and national security bodies, foreign institutions, the Ministry of Foreign Affairs, the Ministry of Interior and the National Security Committee shall not exceed one month in each of these bodies.

      24. In the event that the President of the Republic of Kazakhstan exercises his constitutional right to decide on citizenship issues at his discretion, the working body of the Commission shall request the necessary documents, including an application on the issue of change of citizenship from internal affairs bodies or foreign institutions.

      25. Execution of decisions on the issues of citizenship in respect of persons permanently residing in the Republic of Kazakhstan shall be the responsibility of the authorized body for documentation and registration of the population, and in respect of persons residing outside of the Republic of Kazakhstan shall be the responsibility of the foreign institutions of the Republic of Kazakhstan.

      26. The Ministry of Internal Affairs of the Republic of Kazakhstan and the Ministry of Foreign Affairs of the Republic of Kazakhstan shall provide information to the working body of the Commission twice a year on the implementation of decisions on the citizenship issues.

      *Footnote. Paragraph 26 as reworded by Decree of the President of the Republic of Kazakhstan* *№ 784 of 04.04.2014.*

 **4. Loss of citizenship of the Republic of Kazakhstan**

      Footnote. Section 4 has been excluded by the Decree of the President of the Republic of Kazakhstan dated 01.07.2022 № 952.

 **5. Procedures for dealing with petitions for political asylum**

      31. A person who is in the territory of the Republic of Kazakhstan shall submit a petition for political asylum addressed to the Head of the State to the bodies of internal affairs at the place of residence.

      A person who is outside of Kazakhstan shall submit such a petition through the foreign institutions of the Republic of Kazakhstan.

      Footnote. Paragraph 31 as amended by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      32. A petition for political asylum shall be accompanied by an autobiography, photographs, a certificate of health, including HIV testing, written consent from children aged between 14 and 18, and other relevant documents.

      33. The territorial subdivisions of internal affairs bodies and foreign institutions shall send materials to the Ministry of Internal Affairs of the Republic of Kazakhstan, which shall request opinions of the Ministry of Foreign Affairs of the Republic of Kazakhstan, the Ministry of Labour and Social Protection of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan on the expediency of granting political asylum to the petitioner.

      The time taken to consider asylum petition materials shall not exceed three months from the date of registration of the petition.

      If the examination of the materials requires additional examination, the decision-making period may be extended.

      *Footnote. Paragraph 33 as reworded by Decree of the President of the Republic of Kazakhstan* *№ 784 of 04.04.2014.*

      34. The petitioner shall check in at least twice a month at the place of filing his/her petition until the matter is resolved on the merits.

      The petitioner shall notify the internal affairs authorities of the change of residence.

      The Ministry of Internal Affairs, its territorial subdivisions or foreign institutions shall be entitled to suspend the processing of materials until the circumstances have been clarified in case of non-compliance with this procedure.

      Footnote. Paragraph 34 as reworded by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      35. The duly completed materials accompanied by a reasoned opinion on the possibility of granting or rejecting the application, shall be submitted by the Ministry of Internal Affairs of the Republic of Kazakhstan to the working body of the Commission.

      Footnote. Paragraph 35 as reworded by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      36. A petition for political asylum may be rejected if a person:

      1) is persecuted for actions (or inaction) recognised as a crime by the legislation of the Republic of Kazakhstan, or is guilty of committing acts contrary to the purposes and principles of the United Nations;

      2) is charged in a criminal case or there is a valid judgment of conviction in the territory of Kazakhstan

      3) has resided in a third country where he or she faces no risk of prosecution;

      4) has knowingly provided false information or false documents;

      5) has the citizenship of a third country where he/she is not subject to persecution.

 **6. Enforcement of decisions on granting political asylum**

      37. The Ministry of the Internal Affairs of the Republic of Kazakhstan or an external agency shall notify the person applying for a political asylum of the decision taken by the Head of the State.

      Footnote. Paragraph 37 as reworded by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      38. A person granted political asylum and his/her family members who have reached the age of 16 shall be issued certificates of the established form by the Ministry of Internal Affairs of the Republic of Kazakhstan.

      Footnote. Paragraph 38 as reworded by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      39. Persons who are on the territory of the Republic of Kazakhstan shall be issued a residence permit by the internal affairs authorities based on a certificate of political asylum.

      Footnote. Paragraph 39 as reworded by Decree of the President of the Republic of Kazakhstan № 784 of 04.04.2014.

      40. The right to political asylum shall be forfeited in the case of:

      1) voluntary renunciation of political asylum in the Republic of Kazakhstan;

      2) acquisition of citizenship of Kazakhstan or another state;

      3) voluntary return to their country of citizenship or departure to a third country;

      4) loss of the grounds established by the paragraph of this Regulation.

      41. A person may be deprived of political asylum by the President of the Republic of Kazakhstan if he/she has engaged in activities contrary to the national security interests of the Republic of Kazakhstan or the aims and principles of the United Nations, or if he/she has committed an intentional crime and has a final court sentence against him/her.

 **7. Appeals against decisions on citizenship and granting political asylum**

      42. The decision on citizenship and the granting of political asylum may be reviewed by the President of the Republic of Kazakhstan.

      43. Unjustified refusal to accept applications on the issues of citizenship or political asylum, violation of time limits for consideration of applications, as well as other unlawful actions of officials violating the procedure for consideration of materials and the procedure for execution of decisions on these issues may be appealed to a higher body in the order of subordination or to a court.

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|   | APPENDIX 2APPROVED BYDecree of the Presidentof the Republic of Kazakhstan№ 198 dated October 10, 2006 |

 **COMPOSITION**
**of the Commission for Citizenship under the President of the Republic of Kazakhstan**

      Footnote. The composition as reworded by Decree of the President of the Republic of Kazakhstan № 284 dated 13.03.2012; as amended by Decrees of the President of the Republic of Kazakhstan № 784 dated 04.04.2014; № 911 dated 17.09.2014; № 568 dated 20.10.2017; № 195 dated 28.10.2019;dated 30.03.2021 № 539; dated 29.06.2021 № 608; dated 01.07.2022 № 952; dated 03.05.2023 № 207; dated 20.10.2023 № 384.

      The Secretary of State of the Republic of Kazakhstan

      - Chairman

      The Deputy Head of the Executive Office of the President of the Republic of Kazakhstan - Deputy Chairman

      The Head of the State Legal Department of the Executive Office of the President of the Republic of Kazakhstan

      - Secretary

      Members of the Commission:

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**Lukin** **Andrey Ivanovich** |
**-** |
**Chairman of the Committee on Constitutional Legislation, Judicial System and Law Enforcement Bodies of the Senate of the Parliament of the Republic of Kazakhstan (as agreed)** |
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Imasheva Snezhanna Valerievna |
- |
Chairman of the Committee on Legislation and Judicial Reform of the Mazhilis of the Parliament of the Republic of Kazakhstan (as agreed); |

      The Commission shall include, ex officio, the Chairman of the National Security Committee of the Republic of Kazakhstan, the Minister of Foreign Affairs of the Republic of Kazakhstan, the Minister of Internal Affairs of the Republic of Kazakhstan, the Minister of Justice of the Republic of Kazakhstan, the Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan and the Chairman of the Committee for Protection of Children's Rights of the Ministry of Education and Science of the Republic of Kazakhstan.

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