



On approval of the Consular charter of the Republic of Kazakhstan

Unofficial translation

Decree of the President of the Republic of Kazakhstan dated April 25, 2016 № 240.

Unofficial translation

In accordance with part two of subparagraph 14) of Article 1 of the Law of the Republic of Kazakhstan dated March 7, 2002 "On the diplomatic service of the Republic of Kazakhstan

" **I HEREBY DECREE:**

Footnote. The preamble as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

1. To approve the attached Consular charter of the Republic of Kazakhstan.
2. To recognize as invalid some decrees of the President of the Republic of Kazakhstan according to Appendix to this Decree.
3. This Decree shall be enforced from the date of its signing.

*The President of the
Republic of Kazakhstan*

N. Nazarbayev

APPROVED
by the Decree of the
President of the
Republic of Kazakhstan
dated April 25, 2016 № 240

Consular charter of the Republic of Kazakhstan

This Consular charter of the Republic of Kazakhstan (hereinafter - the Charter) shall determine the legal bases of consular service of the Republic of Kazakhstan, the rights and obligations of consular officials of the Republic of Kazakhstan to protect the rights and interests of the Republic of Kazakhstan, citizens and legal entities of the Republic of Kazakhstan outside the Republic of Kazakhstan.

Chapter 1. General provisions

Footnote. The title of Chapter 1 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

1. The following definitions shall be used in this Charter:

1) consular institution of the Republic of Kazakhstan (hereinafter-consular institution) - a foreign institution of the Republic of Kazakhstan performing consular functions on behalf of the Republic of Kazakhstan within a certain consular district;

2) class of consular institution - the status of a consular institution determined by the Republic of Kazakhstan in agreement with the host state depending on socio-economic, political significance and its location in the receiving state;

3) head of a consular institution - an employee of the diplomatic service of the Republic of Kazakhstan, heading a consular institution;

4) consular official of the Republic of Kazakhstan (hereinafter- the consul) - an employee of the diplomatic service of the Republic of Kazakhstan, performing consular functions on behalf of the Republic of Kazakhstan within the consular district;

5) honorary (non-staff) consul of the Republic of Kazakhstan (hereinafter - the honorary consul) – a person, heading the honorary consulate of the Republic of Kazakhstan (hereinafter - the honorary consulate), not on the public service of the Republic of Kazakhstan, who is entrusted to perform certain consular functions on behalf of the Republic of Kazakhstan on the territory of a foreign state within a consular district;

6) consular district – territory, allocated for consular establishment for performance of consular functions;

7) consular archive - documents, correspondence, audio and video materials, electronic media, books, magazines, registers, files, ciphers, codes, seals, stamps and other items designed to perform consular functions;

8) host state - a foreign state on the territory of which the foreign office of the Republic of Kazakhstan is located.

2. The Consular Service of the Republic of Kazakhstan is a part of the diplomatic service, whose activities are aimed at ensuring the protection of the rights and interests of the state, citizens and legal entities of the Republic of Kazakhstan within the limits permitted by international law, as well as to promote the development of friendly relations of the Republic of Kazakhstan with other states and the expansion of economic, trade, scientific, technical, humanitarian and cultural relations and cooperation in the field of tourism.

Footnote. Paragraph 2 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication)..

3. The Consular Service of the Republic of Kazakhstan carries out its work in accordance with the Constitution of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan dated March 7, 2002 "On the diplomatic service of the Republic of Kazakhstan", this Charter, other regulatory legal acts taking into account the legislation of the host state, as well as international treaties of the Republic of Kazakhstan, generally recognized principles and norms of international law.

Footnote. Paragraph 3 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication)..

4. In the states where there are no diplomatic and equivalent to them representative offices (hereinafter - diplomatic representations), the Ministry of foreign affairs of the Republic of Kazakhstan (hereinafter - the Ministry) with the consent of the host state, diplomatic functions may be assigned on the head of the consular institution.

5. The national Flag and the national Emblem of the Republic of Kazakhstan are necessarily raised on the buildings of consular institutions.

6. The consular institution shall have a seal with the image of the State Emblem of the Republic of Kazakhstan and the name of the institution in the state language of the Republic of Kazakhstan and the official language of the host state.

7. The location of the consular institution, its class and consular district shall be determined by agreement with the host state.

Chapter 2. Organization of activities of consular institutions

Footnote. The title of Chapter 2 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

8. Consular institutions are divided into the following classes: general consulates, consulates, vice-consulates and consular agencies.

The diplomatic representations have consular departments that perform consular functions

The consular department of a diplomatic representation shall be established by the head of the diplomatic representation on the territory of the host state or the territory of another state in which the diplomatic representation is concurrently accredited.

9. A consular institution shall be opened on the territory of the host state only with the consent of that state.

10. Consular institutions operate under the leadership of the Ministry and the diplomatic representation in the host state (if any) or on behalf of the Ministry under the leadership of the diplomatic representation in another state.

11. Consular institutions shall submit the reports on the consular service to the Ministry.

12. Consular institutions shall be created, reorganized and terminated on the basis of:

1) the decrees of the President of the Republic of Kazakhstan- general consulates;

2) resolutions of the Government of the Republic of Kazakhstan - consulates, vice-consulates and consular agencies.

13. Change of the location of a consular institution within the host state does not require the adoption of an additional act provided for opening of a consular institution, and is carried

out by the decision of the Minister of foreign affairs of the Republic of Kazakhstan (hereinafter - the Minister).

14. Consular institutions and their personnel shall enjoy the privileges and immunities in the host state in accordance with the legislation of the host state, generally recognized principles and norms of international law, international treaties ratified by the Republic of Kazakhstan and the host state.

15. Establishment of consular relations of the Republic of Kazakhstan with other states shall be carried out by mutual agreement. Consent to establishment of diplomatic relations means, unless otherwise specified, consent to establishment of consular relations.

16. Consular institutions carry out interaction with state bodies and organizations of the Republic of Kazakhstan through the Ministry, except for their representative offices located in the consular district.

17. Reception and processing of documents received from individual and legal entities for obtaining consular services are carried out on the territory of the Republic of Kazakhstan by employees of the Ministry and the republican state enterprise subordinate to the Ministry on the basis of the right of economic management, contributing to the implementation of tasks assigned to the Ministry, abroad – by foreign institutions of the Republic of Kazakhstan.

Footnote. Paragraph 17 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

18. Material and technical support in implementation of consular functions on the territory of the Republic of Kazakhstan shall be carried out by the Ministry and republican state enterprise subordinated to the Ministry on the right of economic management, contributing to implementation of functions assigned to the Ministry.

Chapter 3. Head and staff of the consular institution

Footnote. The title of Chapter 3 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

19. General consulates, consulates, vice-consulates, consular agencies are headed respectively by general consuls, consuls, vice-consuls, consular agents.

Consular departments of diplomatic representations are headed by the heads of consular departments.

20. Upon appointment, the head of the consular institution shall be issued a written authorization - a consular patent signed by the Minister or other person acting his/her duties, which shall indicate the full name and surname, class of the consular institution, consular district and location of the consular institution in the host state.

When issuing a consular patent to the honorary consul, his/her citizenship shall additionally be indicated.

21. The head of a consular institution shall assume his/her duties upon receipt of authorization of the host state - the exequatur. Except for the cases, provided in paragraph 22 of this Charter, the head of a consular institution may not commence the performance of his/her duties until he/she has received an exequatur.

22. With the consent of the host state, the head of the consular institution shall be temporarily allowed to perform consular functions until the exequatur is issued.

If the head of a consular institution is unable to perform his/her functions for any reason or the position of the head of a consular institution is temporarily vacant, temporary performance of his/her duties shall be performed by the consul of that or another consular institution (diplomatic representation) as determined by the Ministry.

If the head of a consular institution is on official business outside the host state or on leave from work, temporary performance of his/her duties shall be performed by the consul of that consular institution, as determined by the head of the consular institution.

23. The head of consular institution shall:

1) protect by all legal means and methods the rights and interests of individuals and legal entities of the Republic of Kazakhstan;

2) inform the Ministry of internal and foreign policy in the consular district;

3) ensure the development of cooperation between the Republic of Kazakhstan and the host state;

4) take necessary measures to ensure in the host state the privileges and immunities granted to the consular institution, the staff and members of their families in accordance with the rules of international law and legislation of the host state;

5) coordinate with the Ministry short-term business trips outside the consular district;

6) perform other functions referred to his/her competence by the legislation and international treaties ratified by the Republic of Kazakhstan.

24. The head of the consular institution shall have the right to:

1) submit to the Ministry, in accordance with the established procedure, proposals on bilateral relations with the host state;

2) receive in accordance with the established procedure from the state bodies and organizations of the Republic of Kazakhstan the necessary materials and documents on the matters within the competence of the consular institution;

3) make proposals to the Ministry on awarding the staff of the consular institution with state awards, promotion in rank and position, early secondment or extension of work abroad, imposition of disciplinary sanctions;

4) dispose the limit of funds (expenses) provided by the financing plan of the consular institution;

5) issue orders on the activities of the consular institution, in coordination with the Ministry make decisions on the issues related to labor relations with the service personnel, approve the schedule of annual paid leave of the staff of the consular institution;

6) in agreement with the head of the diplomatic representation in the host state (if any) allow short-term departures of consular staff and members of their families outside the consular district, except in cases of departure when granting annual paid leave;

7) make an inquiry on cases of criminal offenses committed by its employees in the host country, in accordance with the procedure established by the joint order of the General Prosecutor of the Republic of Kazakhstan and the Minister.

25. Consular staff and family members must comply with the laws of the host state, respect local traditions and refrain from any actions that might be considered as interference in internal affairs of the host state.

26. Consuls operating outside the Republic of Kazakhstan are subject to the working conditions of the staff of the diplomatic service of the Republic of Kazakhstan abroad, determined by the Government of the Republic of Kazakhstan.

Footnote. Paragraph 26 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

Chapter 4. Consular functions and their performance

Footnote. The title of Chapter 4 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

27. Consular functions on behalf of the Republic of Kazakhstan shall be performed:

1) on the territory of the Republic of Kazakhstan - by the Ministry;

2) outside the Republic of Kazakhstan:

by foreign institutions of the Republic of Kazakhstan;

by other states with which the relevant international treaty of the Republic of Kazakhstan has been concluded, with the consent of the host state.

28. The head of the consular institution shall perform the functions assigned to him/her personally.

Performance of certain consular functions may be assigned to another consul in a consular institution on the basis of an order of the head of consular institution, in a diplomatic representation – of the head of diplomatic representation.

29. Personal responsibility for observance of legality in performing of consular functions in a consular institution shall be assigned on the head of a consular institution, in a diplomatic representation on the head of diplomatic representation and the head of a consular department

30. Consular functions shall be performed by the consul within the consular district. Performance of consular functions outside the consular district shall be carried out in exceptional cases on behalf of the Ministry with the consent of the host state.

31. Performance of consular functions by a consul on behalf of another state may be carried out by agreement with that state and with the consent of the host state.

32. The consul at least once a year shall make a detour of his/her consular district.

33. The consul shall take measures to ensure the inviolability of the consular archive.

34. The consul shall have the right to apply to the authorities of the host state within his/her consular district on all matters related to the activities of the consular institution.

35. The consul shall accept written and oral applications from individuals and legal entities of the Republic of Kazakhstan, as well as foreign individuals and legal entities on the matters relating to his/her consular activities.

36. Complaints against actions (inaction) of persons carrying out consular functions shall be considered by the head of the consular institution, the head of the diplomatic representation or the Ministry, as well as by other persons and organizations in accordance with the legislation of the Republic of Kazakhstan.

37. Consular functions shall include:

1) adoption of measures on protection the rights and legitimate interests of individuals and legal entities of the Republic of Kazakhstan;

2) consular registration of citizens of the Republic of Kazakhstan;

3) consideration the issues of citizenship of the Republic of Kazakhstan;

4) issuance, restoration, cancellation, extension and reduction of validity of visas of the Republic of Kazakhstan;

5) issuance and withdrawal of identity documents;

6) registration of acts of civil state of the Republic of Kazakhstan;

7) adoption, guardianship and trusteeship over the citizens of the Republic of Kazakhstan staying abroad;

8) registration of a permit for permanent residence of citizens of the Republic of Kazakhstan abroad;

9) legalization of documents;

10) performance of notarial acts;

11) reclamation of documents;

12) implementation of electoral rights of citizens of the Republic of Kazakhstan;

13) adoption of measures in the field of sanitary, phytosanitary and veterinary protection;

14) assistance to aircraft, ships of sea and river fleet, means of road and rail transport of the Republic of Kazakhstan;

15) adoption of measures concerning protection of property of citizens of the Republic of Kazakhstan;

16) protection of the rights and interests of citizens of the Republic of Kazakhstan in a difficult situation, including due to force majeure, as well as taking measures in respect of deceased citizens of the Republic of Kazakhstan in the host state;

16-1) issuance of other documents (certificates) of legal significance;

17) taking measures against the citizens of the Republic of Kazakhstan who are under arrest, imprisoned, taken into custody or detained, as well as searching for citizens of the Republic of Kazakhstan who are missing in the territory of the consular district.

Footnote. Paragraph 37 as amended by the Decrees of the President of the Republic of Kazakhstan dated 09.03.2021 No. 532 (shall be enforced from the date of its first official publication); dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

38. Consular fees are charged for the performance of consular actions in accordance with the tax legislation of the Republic of Kazakhstan.

Footnote. Paragraph 38 - as amended by the Decree of the President of the Republic of Kazakhstan dated 09.03.2021 No. 532 (shall be enforced from the date of its first official publication).

39. The legislation of the Republic of Kazakhstan, international treaties ratified by the Republic of Kazakhstan may provide for other consular functions.

Chapter 5. Functions of the consul in relation to individual and legal entities of the Republic of Kazakhstan

Footnote. The title of Chapter 5 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

40. The consul shall take measures to ensure that individuals and legal entities of the Republic of Kazakhstan enjoy in full all the rights granted to them by the legislation of the host state and international treaties ratified by the Republic of Kazakhstan.

41. The consul shall provide assistance to the citizens of the Republic of Kazakhstan, located on the territory of the consular district, in order to protect and ensure their rights and interests in accordance with the legislation of the Republic of Kazakhstan and the host state.

42. The consul shall take measures to restore the violated rights of individuals and legal entities of the Republic of Kazakhstan.

43. The consul shall inform the citizens of the Republic of Kazakhstan temporarily staying in his/her consular district about the current legislation of the host state, as well as about local customs.

44. The orders of the consul on the matters relating to the stay of citizens of the Republic of Kazakhstan abroad shall be binding on them.

45. The consul shall have the right to represent the citizens of the Republic of Kazakhstan in the institutions of the host state without a power of attorney, if they are absent or cannot be present in person for financial reasons or illness and have not entrusted the case to any person, or are unable to protect their interests for other reasons. This representation shall continue until the persons represented have appointed their authorized representatives or have taken over the protection of their rights and interests.

Chapter 6. Functions on consular registration of citizens of the Republic of Kazakhstan

Footnote. The title of Chapter 6 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

46. The consul shall keep records of citizens of the Republic of Kazakhstan permanently residing and temporarily staying in his/her consular district.

Chapter 7. Functions of the consul on citizenship of the Republic of Kazakhstan

Footnote. The title of Chapter 7 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

47. The consul shall:

1) accept applications on citizenship of the Republic of Kazakhstan from persons permanently residing outside the Republic of Kazakhstan and, together with necessary documents, send them to the President of the Republic of Kazakhstan for consideration;

2) register the loss of citizenship of the Republic of Kazakhstan by persons permanently residing outside the Republic of Kazakhstan;

3) determine the belonging to the citizenship of the Republic of Kazakhstan of persons permanently residing outside the Republic of Kazakhstan;

4) notify persons permanently residing outside the Republic of Kazakhstan of the decision taken by the President of the Republic of Kazakhstan on the issue of citizenship.

Chapter 8. Functions of the consul for issuing visas of the Republic of Kazakhstan

Footnote. The title of Chapter 8 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

48. The consul shall:

1) issue, cancel, restore visas of the Republic of Kazakhstan, as well as extend and shorten their validity or, in accordance with the legislation of the Republic of Kazakhstan, make decisions on refusal to issue visas of the Republic of Kazakhstan to foreigners and stateless persons;

2) form a single database of registration of visas for entry to foreigners and stateless persons, ensure systematic updating of information, as well as carry out timely information exchange with the bodies of internal affairs and national security of the Republic of Kazakhstan;

3) informs ethnic Kazakhs who have expressed a desire to voluntarily relocate to the Republic of Kazakhstan about the conditions of entry, including to the regions determined by

the Government of the Republic of Kazakhstan, within the framework of regional quotas for the admission of fellow countrymen (Kandases), admission conditions and social support measures;

4) accept and register the documents of immigrants, including ethnic Kazakhs, who have applied for entry into the Republic of Kazakhstan, send them to the authorized body on migration issues, issue visas for entry into the Republic of Kazakhstan for permanent residence.

Footnote. Paragraph 48 as amended by the Decree of the President of the Republic of Kazakhstan dated 09.03.2021 No. 532 (shall be enforced from the date of its first official publication).

Chapter 9. Functions of the consul for the issuance and withdrawal of identity documents

Footnote. The title of Chapter 9 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

49. The consul shall:

1) receive and transmit documents for production of passports of citizens of the Republic of Kazakhstan, being abroad, and make necessary entries in their passports;

2) issue certificates of return to the Republic of Kazakhstan;

3) withdraw identity cards from the citizens of the Republic of Kazakhstan who have received documents for the right of permanent residence abroad, and passports of citizens of the Republic of Kazakhstan - in case of acquisition of citizenship of another state.

50. Issuance and withdrawal of identity documents shall be carried out in the manner prescribed by the Law of the Republic of Kazakhstan dated 29 January 2013 "On identity documents".

Chapter 10. Functions of the consul for the registration of acts of civil status

Footnote. The title of Chapter 10 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

51. The consul shall:

1) register acts of civil status of citizens of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

2) take measures to make changes, additions and corrections to the civil status records, as well as restoration and cancellation of civil status records of citizens of the Republic of Kazakhstan, foreigners and stateless persons who have registered acts of civil status in the civil status registration bodies of the Republic of Kazakhstan.

Chapter 11. Functions of the consul in relation to adoption, guardianship and patronage of citizens of the Republic of Kazakhstan staying abroad

Footnote. The title of Chapter 11 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

52. The consul shall keep records of foreigners wishing to adopt children who are citizens of the Republic of Kazakhstan, in accordance with the legislation of the Republic of Kazakhstan on the rights of the child.

53. The Ministry shall register children who are the citizens of the Republic of Kazakhstan who have been adopted by foreigners in accordance with the legislation of the Republic of Kazakhstan on the rights of the child.

The procedure for registration with the Ministry of foreign affairs of the Republic of Kazakhstan and for monitoring by foreign institutions of the Republic of Kazakhstan of children being the citizens of the Republic of Kazakhstan who have been adopted by foreigners shall be approved by the order of the Minister.

54. The consul within the consular district shall carry out control over the children transferred for adoption to the foreigners.

55. The consul shall take measures to ensure that adoptive parents, who are foreign citizens permanently residing in the territory of the consular district, provide reports on living conditions, education, upbringing and health status of the adopted children.

56. The consul shall take measures to establish custody and guardianship of minor citizens of the Republic of Kazakhstan who are in his/her consular district without parental care.

The consul shall also take measures to establish guardianship over adult citizens of the Republic of Kazakhstan who, for health reasons, cannot independently exercise their rights and perform their duties.

Chapter 12. Functions of the consul on issues of obtaining a permanent residence permit for citizens of the Republic of Kazakhstan abroad

Footnote. The title of Chapter 12 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

57. The consul accepts documents for issuing a permanent residence permit abroad to citizens of the Republic of Kazakhstan who have temporarily left the Republic of Kazakhstan and expressed a desire to get a permanent residence in a foreign country.

Footnote. Paragraph 57 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

58. Decisions on permanent residence abroad of citizens of the Republic of Kazakhstan who have temporarily left and expressed a desire to get a permanent residence abroad are made by the consul on the basis of permits of the internal affairs bodies of the Republic of Kazakhstan.

Footnote. Paragraph 58 - as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

59. The procedure for receiving and sending documents of citizens of the Republic of Kazakhstan, who left the Republic of Kazakhstan on temporary business and expressed a desire to stay there for permanent residence, shall be approved by the order of the Minister.

Chapter 13. Functions of the consul on legalization of documents

Footnote. The title of Chapter 13 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

60. The consul shall accept for legalization the documents and acts drawn up or certified by the authorities of the consular district, as well as diplomatic representations and consular institutions of foreign states accredited in the consular district.

The state bodies of the Republic of Kazakhstan shall accept documents and acts drawn up with participation of the authorities of foreign states or coming from these authorities for consideration in the presence of legalization, unless otherwise provided by the legislation of the Republic of Kazakhstan or an international treaty ratified by the Republic of Kazakhstan.

61. Legalization of documents is establishment and certification of the authenticity of the signature of the official and the seal on the documents in order to use them in another state.

62. The rules of legalization of documents shall be approved by the order of the Minister.

Chapter 14. Functions of the consul on issues of notarial actions

Footnote. The title of Chapter 14 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

63. The consul shall perform the following notarial actions:

1) certifies transactions, except for agreements on alienation of real estate located on the territory of the Republic of Kazakhstan;

2) issues certificates of inheritance;

3) issues certificates of ownership of a share in the common property of spouses and other persons having property on the right of common joint property;

4) certifies the correctness of copies of documents and extracts from them;

5) certifies the authenticity of the signature on the documents;

- 6) certifies the accuracy of translation of documents from one language to another;
- 7) certifies that a citizen is alive;
- 8) certifies the fact of finding a citizen in a certain place;
- 9) certifies the time of presentation of documents;
- 10) transfers applications of individuals and legal entities to other individuals and legal entities;
- 11) takes money in deposit;
- 12) accepts documents and securities for storage;
- 13) makes sea protests;
- 14) provides evidences.

64. Legislative acts of the Republic of Kazakhstan may provide for other notarial actions performed by the consul.

65. The consul shall not have the right to perform notarial actions in his/her own name and on his/her own behalf, in the name and on behalf of his/her spouse, his/her and his/her relatives (parents, children, brothers, sisters, grandchildren, grandfather, grandmother).

Chapter 15. Functions of the consul on the issues of requesting documents

Footnote. The title of Chapter 15 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

66. The consul shall assist the citizens of the Republic of Kazakhstan, foreigners and stateless persons permanently residing in his/her consular district in the demand of documents relating to protection of their rights and legitimate interests.

The demand for documents consists in sending (delivery, forwarding) documents related to ensuring the rights and legitimate interests of the citizens of the Republic of Kazakhstan, foreign citizens and stateless persons from the Republic of Kazakhstan or from abroad.

67. The procedure for demand of documents related to ensuring the rights and legitimate interests of the citizens of the Republic of Kazakhstan, foreign citizens and stateless persons through the institutions of the Ministry of foreign affairs of the Republic of Kazakhstan shall be established by a joint order of the Minister and the Minister of justice of the Republic of Kazakhstan.

Chapter 16. Functions of the consul for implementation of the electoral rights of citizens of the Republic of Kazakhstan

Footnote. The title of Chapter 16 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

68. The consul shall assist the citizens of the Republic of Kazakhstan in implementation of their electoral rights, observance of the principles of electoral law established by the legislation of the Republic of Kazakhstan.

69. In case of formation of a polling site in the premises of the foreign institution of the Republic of Kazakhstan during the elections of the President of the Republic of Kazakhstan, deputies of the Majilis of the Parliament of the Republic of Kazakhstan and the national referendum, the consular institution officially shall inform the authorities of the consular district.

Chapter 17. Functions of the consul to fulfill the instructions of state bodies and officials performing the functions of criminal prosecution and judicial bodies of the Republic of Kazakhstan

Footnote. The title of Chapter 17 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

70. The consul shall perform the instructions of state bodies and officials carrying out functions of criminal prosecution, and judicial bodies of the Republic of Kazakhstan in respect of citizens of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

71. The consul shall assist in performance of official duties within the consular district representatives of state bodies of the Republic of Kazakhstan.

Chapter 18. Functions of the consul to take measures in the field of sanitary, phytosanitary and veterinary protection

Footnote. The title of Chapter 18 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

72. When quarantine diseases appear on the territory of the consular district, the consul shall inform the authorized bodies of the Republic of Kazakhstan in the field of sanitary, phytosanitary and veterinary protection, indicating the name and border of the infected area, the number of cases of diseases and anti-epidemic measures taken by local authorities.

The consul shall inform the citizens who have received permission to enter the Republic of Kazakhstan, on the need to submit international certificates of vaccination at entry to the Republic of Kazakhstan.

73. When dangerous diseases or pests of agricultural plants appear within the consular district, as well as in cases of mass disease of livestock and poultry or threat of spread of diseases common to humans and animals, the consul shall inform the authorized bodies of the Republic of Kazakhstan in the field of sanitary, phytosanitary and veterinary protection.

74. The consul shall inform the citizens who have received permission to enter the Republic of Kazakhstan, about the need to present at the entrance to the Republic of Kazakhstan of veterinary certificates for animals, raw materials and products of animal origin and the rules of import to the Republic of Kazakhstan of seeds, live plants, planting material, fresh fruits and vegetables.

Chapter 19. Functions of the consul in relation to aircraft, ships of the sea and river fleet, means of road and rail transport of the Republic of Kazakhstan

Footnote. The title of Chapter 19 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

75. The consul shall take measures to ensure that at the airports of the host state within its consular district the commander, crew and passengers of the aircraft of the Republic of Kazakhstan (hereinafter - the aircraft) are granted full rights in accordance with the legislation of the host state and international treaties ratified by the Republic of Kazakhstan and the host state.

76. The consul shall assist the commander, crew and passengers of the aircraft in relations with the authorities of the host state, and shall also take measures for return, if necessary, of the aircraft, its crew and passengers to the Republic of Kazakhstan or continuation of the flight.

77. In the event of an accident, forced landing or other incident with an aircraft within the consular district, the consul shall provide necessary assistance to the crew and passengers.

78. In cases of committing crimes on the board of the aircraft, the consul shall assist the commander of the aircraft in performance of duties arising from the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

79. By agreement of the Ministry with the airlines of the Republic of Kazakhstan the consul shall send diplomatic mail and diplomatic cargos on the aircrafts of the Republic of Kazakhstan, flying to the airports of the Republic of Kazakhstan, at the rates agreed between the Ministry and the airlines of the Republic of Kazakhstan and according to the safety regulations of the airlines of the Republic of Kazakhstan and in accordance with the legislation of the Republic of Kazakhstan.

80. In case of declaration of a state of emergency in the host country for various reasons or due to natural disasters, the consul shall assist in the departure of citizens of the Republic of Kazakhstan on the aircrafts of the Republic of Kazakhstan, flying to the airports of the Republic of Kazakhstan.

81. The provisions of paragraphs 75-80 of this chapter shall apply to the aircrafts (helicopters) of the armed Forces of the Republic of Kazakhstan, ships of the sea and river fleet, as well as means of road and rail transport of the Republic of Kazakhstan.

82. In case of acquisition of a ship abroad, the consul shall issue a temporary certificate for the right to sail under the national Flag of the Republic of Kazakhstan.

Chapter 20. Functions of the consul to protect the rights and interests of citizens of the Republic of Kazakhstan who find themselves in a difficult situation, including due to force majeure, as well as taking measures against deceased citizens of the Republic of Kazakhstan in the host state

Footnote. The title of Chapter 20 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

83. In cases where a citizen of the Republic of Kazakhstan was in the host state in a difficult situation and without the means to existence due to force majeure, as well as became the victim of actions of criminal structures and human trafficking and declared it in the consular institution, the consul shall:

1) establish the existence of obligations of the person or organization that invited this citizen to reimburse the costs associated with his/her stay in this state, and promote their execution;

2) assist in establishment of contacts of this citizen with the members of his/her family, relatives or other persons;

3) provide necessary assistance, including financial, in accordance with the legislation of the Republic of Kazakhstan;

4) notify the Ministry of the case.

84. In case of death of a citizen of the Republic of Kazakhstan, the consul shall take measures to bury him/her with due honors or send the body of the deceased to the Republic of Kazakhstan.

85. Measures to protect the rights and interests of citizens of the Republic of Kazakhstan who find themselves in a difficult situation, including as a result of force majeure, as well as taking measures against the deceased citizens of the Republic of Kazakhstan in the host state are implemented in accordance with the procedure approved by the Minister of Foreign Affairs of the Republic of Kazakhstan in coordination with the central authorized body for budget planning.

Footnote. Paragraph 85 - as amended by the Decree of the President of the Republic of Kazakhstan dated 09.03.2021 No. 532 (shall be enforced from the date of its first official publication).

Chapter 21. Functions of the consul in relation to the property of citizens of the Republic of Kazakhstan

Footnote. The title of Chapter 21 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

86. The consul shall take measures to protect the property left after the death of a citizen of the Republic of Kazakhstan, for subsequent transfer to his/her heirs.

87. The consul shall accept for storage the money, valuables, securities and documents belonging to the citizens of the Republic of Kazakhstan.

In the event of death of the person who owned the property deposited, the provisions of paragraph 86 of this Charter shall apply to such property.

Chapter 22. Functions of the consul in relation to citizens of the Republic of Kazakhstan who are under arrest, imprisoned, taken into custody or detained, as well as the search for missing citizens of the Republic of Kazakhstan in the territory of the consular district

Footnote. The title of Chapter 22 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

88. The consul shall take measures to ensure that in relation to a citizen of the Republic of Kazakhstan who is imprisoned (arrested) or detained on suspicion of committing a crime, or subjected to other measures restricting freedom, or serving a sentence of deprivation of liberty, as well as subjected to other measures of judicial or administrative influence, the legislation of the host state and international treaties ratified by the Republic of Kazakhstan are respected.

89. The consul, at the request of interested persons and on his/her own initiative, shall visit the citizens of the Republic of Kazakhstan in places of detention and ascertain the conditions of their detention, take measures to notify the host state of the need to keep such citizens of the Republic of Kazakhstan in conditions that meet the requirements of sanitation and hygiene, and that they are not subjected to cruel and degrading treatment of human dignity.

90. The consul shall refrain from taking any measures on behalf of a citizen of the Republic of Kazakhstan who is under arrest, imprisoned, taken into custody or detained, if the specified citizen has a written objection to taking such measures.

91. The consul shall apply to the competent authorities of the host state for assistance in the search for missing citizens of the Republic of Kazakhstan in the territory of his/her consular district.

Chapter 23. Activities of Honorary Consulates

Footnote. The title of Chapter 23 as amended by the Decree of the President of the Republic of Kazakhstan dated 18.09.2021 No. 661 (shall be enforced from the date of its first official publication).

92. Performance of certain consular functions on behalf of the Republic of Kazakhstan shall be carried out by honorary consuls on behalf of the Ministry.

93. Honorary consulates shall be headed by honorary consuls appointed by the Minister with the consent of the host state.

A citizen of the Republic of Kazakhstan or another state shall be appointed as Honorary consul.

94. Honorary consulates shall be created, reorganized and terminated its activity on the basis of the order of the Minister with the consent of the host state.

95. The functions and powers of honorary consuls shall be determined by the order of the Minister.

APPENDIX
to the Decree
of the President of the
Republic of Kazakhstan
dated April 25, 2016 № 240

LIST of some decrees of the President of the Republic of Kazakhstan that have become invalid

1. Decree of the President of the Republic of Kazakhstan dated September 27, 1999 No. 217 "On approval of the Consular charter of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 1999, No. 47, Article 430).

2. Decree of the President of the Republic of Kazakhstan dated December 15, 2004 No. 1503 "On amendment to the Decree of the President of the Republic of Kazakhstan dated September 27, 1999 No. 217" (CAPG of the Republic of Kazakhstan, 2004, No. 51, Article 670).

3. Decree of the President of the Republic of Kazakhstan dated June 26, 2008 No. 623 "On amendments and addition to the Decree of the President of the Republic of Kazakhstan dated September 27, 1999 No. 217" (CAPG of the Republic of Kazakhstan, 2008, No. 31, Article 308).

4. Decree of the President of the Republic of Kazakhstan dated January 30, 2012 № 260 "On amendments and addition to the Decree of the President of the Republic of Kazakhstan dated September 27, 1999 No. 217" "On approval of the Consular charter of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 2012, № 27-28, Article 366).