

On approval of the Rules for the Provision of the Public Service “Issuance of the Return Certificate”

Unofficial translation

Order No. 11-1-4/155 of the Minister of Foreign Affairs of the Republic of Kazakhstan dated May 14, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 15, 2020 under No. 20642.

Unofficial translation

In obedience to sub-paragraph 1) of Article 10 of the Law of the Republic of Kazakhstan of April 15, 2013 “On Public Services”, **I HEREBY ORDER:**

1. That the attached Rules for the Provision of the Public Service “Issuance of the Return Certificate” shall be approved.

2. That the following orders shall be deemed to have lost force:

1) Order No. 11-1-2/422 of the Minister of Foreign Affairs of the Republic of Kazakhstan dated September 15, 2017 “On Approval of the Public Service Standard “Issuance of the Return certificate” (registered with the Register of State Registration of Regulatory Legal Acts under No. 15899, published on October 23, 2017 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan);

2) Order No. 11-1-4/38 of the Minister of Foreign Affairs of February 7, 2018 “On Approval of the Regulations of the Public Service "Registration of the Return Certificate" (registered in the Register of State Registration of Normative Legal Acts under No. 16401, published on 5 March 2018 in the Benchmark Bank of Normative Legal Acts of Kazakhstan).

3. The Digitisation Department of the Ministry of Foreign Affairs of the Republic of Kazakhstan shall ensure:

1) state registration hereof with the Ministry of Justice of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

2) post this order on the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan;

3) within ten working days after state registration hereof with the Ministry of Justice of the Republic of Kazakhstan, submit to the Legal Service Department of the Ministry of Foreign Affairs of the Republic of Kazakhstan information on execution of measures stipulated by sub-paragraphs 1) and 2) of this paragraph.

4. That the First Deputy Minister of Foreign Affairs of the Republic of Kazakhstan shall be in charge of the execution hereof.

5. That the order shall be put into effect ten calendar days after the date of its first official publication.

“AGREED BY”

Ministry of Internal Affairs
of the Republic of Kazakhstan

“AGREED BY”

Ministry of Digital Development,
Innovation and the Aerospace Industry
of the Republic of Kazakhstan

Approved
by order of the Minister of
Internal Affairs of the
Republic of Kazakhstan
№ 11-1-4/155
Dated May 14, 2020

Rules for the provision of a public service “Issuance of the return certificate”

Footnote. The Rules are in the wording of the order of the acting Minister of Foreign Affairs of the Republic of Kazakhstan dated 19.12.2022 № 11-1-4/705 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for the provision of a public service “Issuance of the return certificate” (hereinafter - the Rules) have been developed in accordance with Article 17 of the Law of the Republic of Kazakhstan “On Identity Documents” and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan “On Public Services” (hereinafter – the Law on Public Services) and shall determine the procedure for providing a public service “Issuance of the return certificate” (hereinafter - the public service).

2. The return certificate shall be issued by foreign institutions of the Republic of Kazakhstan (hereinafter - the service provider):

1) to citizens of the Republic of Kazakhstan - in cases of loss of a passport of a citizen of the Republic of Kazakhstan, an identity card of a citizen of the Republic of Kazakhstan, provided for by international treaties and agreements of the Republic of Kazakhstan, a service or diplomatic passport of the Republic of Kazakhstan, or their expiration during their stay outside the Republic of Kazakhstan;

2) to minor citizens of the Republic of Kazakhstan – in case of their birth outside the Republic of Kazakhstan;

3) to stateless persons permanently residing in the Republic of Kazakhstan - in case of loss of the stateless person’s identity card during their stay outside the Republic of Kazakhstan;

4) to refugees - in case of loss of a travel document during their stay outside the Republic of Kazakhstan;

5) to citizens of the Republic of Kazakhstan and stateless persons permanently residing in the Republic of Kazakhstan, who have invalid documents for entry into the Republic of Kazakhstan or who have lost documents for entry into the Republic of Kazakhstan - in cases of their deportation to the Republic of Kazakhstan, extradition to the Republic of Kazakhstan or transfer to the Republic of Kazakhstan in accordance with the international readmission treaty ratified by the Republic of Kazakhstan.

Chapter 2. The procedure for the provision of a public service

3. To receive a public service, the persons specified in paragraph 2 of these Rules, or their legal representatives, with submission of documents confirming the authority to represent (hereinafter - the service recipient), shall submit the following documents to the service provider:

1) an application in any form or a petition from the competent authority of a foreign state (in cases of deportation to the Republic of Kazakhstan or extradition to the Republic of Kazakhstan of a citizen of the Republic of Kazakhstan or a stateless person permanently residing in the Republic of Kazakhstan);

2) a document issued by the competent authority of a foreign state confirming the fact of filing an application for the loss of an identity document (for verification);

3) two color photographs measuring 3.5x4.5 centimeters;

4) original document confirming payment of the consular fee;

5) an original of one of the identification documents (if available), and in its absence - a completed application form in accordance with Appendix 1 to the Rules;

6) a relevant document issued by a medical institution of a foreign state confirming the fact of gender reassignment.

The list of basic requirements for the provision of a public service, including characteristics of the process, form, content and result of provision, as well as other information taking into account the specifics of the provision of a public service shall be set out in Appendix 2 to these Rules.

4. When the service recipient submits all the necessary documents to the service provider, confirmation of acceptance of the application on paper shall be a mark on its copy indicating the date of its receipt, surname, name, patronymic (if any) and the time of receipt of the package of documents.

If it is established that the submitted documents are incomplete and (or) expired documents, the service provider shall refuse to accept the application and issue a corresponding receipt (in any form).

5. The service provider, if he has the original of one of the identification documents, draws up and issues to the service recipient a certificate of return within two working days.

5. Upon availability of an original of one of the identity documents, the service provider shall draw up and issue a certificate of return to the service recipient within two working days

6. The service provider, in the absence of an original of one of the identity documents, no later than two working days shall send a written request to the Ministry of Internal Affairs of the Republic of Kazakhstan (hereinafter - the Ministry of Internal Affairs) to determine the citizenship of the Republic of Kazakhstan or the current refugee status in the Republic of Kazakhstan.

7. The Ministry of Internal Affairs, no later than five working days from the date of receipt of the request shall send a response to the service provider and at the same time inform the Ministry of Foreign Affairs of the Republic of Kazakhstan about this fact.

8. The service provider, after receiving a letter from the Ministry of Internal Affairs, no later than two working days shall issue the service recipient a formalized certificate of return in accordance with the form approved by Decree of the Government of the Republic of Kazakhstan dated September 5, 2013 No. 926 “On approval of the Rules for registration, issuance, replacement, surrender, withdrawal and destruction of the certificate of return and the sample certificate of return and the requirements for its protection” (hereinafter - the Rules for registration, issuance, replacement, surrender, withdrawal and destruction of the certificate of return and the sample certificate of return and the requirements for its protection).

If a reason is identified for refusal to provide a public service, the period for provision of which is ten working days, the service provider notifies the service recipient of the preliminary decision to refuse to provide the public service, as well as the time, date and place, and method of conducting the hearing to enable the service recipient to express a position on preliminary decision.

In case of identification of grounds for refusal to provide a public service, the term of which is ten working days, the service provider shall notify the service recipient of the preliminary decision to refuse on provision of a public service, as well as the time, date and place, method of hearing to allow the service recipient to express a position on the preliminary decision.

The notification of the hearing shall be sent at least three working days before the end of the term for providing a public service. The hearing shall be held no later than two working days from the date of notification.

Based on the results of the hearing, the service provider shall issue a certificate of return or refuse to provide a public service.

9. Refusal to provide a public service shall be carried out on the grounds specified in paragraph 9 of the List of basic requirements for the provision of a public service.

10. In accordance with subparagraph 11) of paragraph 2 of Article 5 of the Law “On Public Services,” the service provider shall ensure that data is entered into the information

system for monitoring the provision of public services about the stage of provision of a public service.

11. The Ministry of Foreign Affairs of the Republic of Kazakhstan, within three working days from the date of making changes and (or) additions to these Rules, shall update them and send them to foreign institutions of the Republic of Kazakhstan and the Unified Contact Center.

Chapter 3. The procedure for appealing decisions, actions (inaction) of central state bodies, as well as service providers and (or) their officials regarding the provision of public services

12. Consideration of a complaint regarding the provision of public services shall be carried out by a higher administrative body, an official, an authorized body for assessing and monitoring the quality of the provision of public services (hereinafter - the body considering the complaint).

The complaint shall be submitted to the service provider and (or) official whose decision, action (inaction) is being appealed.

The service provider, the official whose decision, action (inaction) is being appealed, no later than three working days from the date of receipt of the complaint, shall send it and the administrative file to the body considering the complaint.

In this case, the service provider, official, whose decision, action (inaction) is being appealed, shall have the right not to send a complaint to the body considering the complaint if , within three working days, it makes a decision or other administrative action that fully satisfies the requirements specified in the complaint.

13. The service recipient’s complaint received by the service provider, in accordance with paragraph 2 of Article 25 of the Law on Public Services, shall be subject to consideration within five working days from the date of its registration.

14. The service recipient’s complaint received by the body considering the complaint shall be subject to consideration within fifteen working days from the date of its registration.

15. Unless otherwise provided by the laws of the Republic of Kazakhstan, an appeal to the court shall be allowed after an appeal in a pre-trial manner according to paragraph 5 of Article 91 of the Administrative Procedural Code of the Republic of Kazakhstan.

Appendix 1
to the Rules for the provision
of a public service
“Issuance of the return certificate”

APPLICATION FORM

I hereby ask you to determine my citizenship to the Republic of Kazakhstan/ to confirm permanent residence in the Republic of Kazakhstan (underline as appropriate)

QUESTIONS	ANSWERS
1. Surname, name, patronymic (if any)	

2. List all surnames, names and patronymics (if any) that you previously had, when, where and for what reason they were changed	
3. Date, month, year and place of birth	
4. Nationality	
5. Citizenship	
6. Marital status	
7. Address of residence in the Republic of Kazakhstan	
8. Address of residence immediately before going abroad	
9. Last place of work or study	
10. Education and specialty in education (where, when and what educational institution you graduated from)	
11. If you have previously held citizenship (nationality) of other states, indicate in detail where, when and on what basis you acquired citizenship of the Republic of Kazakhstan	
12. Have you been brought to criminal, administrative or civil liability in court (if brought, then when, by whom and for what)	
13. Purpose of trip abroad	
14. Date of departure from the Republic of Kazakhstan and expected date of return to the Republic of Kazakhstan	
15. Information about the lost identity document (type, number, date of issue, validity period, issuing authority of the document)	
16. Information of any entries and marks contained in the lost identity document (record about the following children together, permission record about traveling abroad for permanent residence, and so on)	
17. Information about other identification documents (if available)	

18. Close relatives (spouse, parents, brothers, sisters).

Degree of relationship	Surname, name, patronymic (if any)	Date and place of birth	Place of work, position	Country of residence, residence address

19. Work performed since the beginning of working activity (including studies in higher and secondary educational institutions, military service).

Month and year	Position, indicating the institution, organization	Location of the institution, organization

I give my consent to access to restricted personal data that is required for the provision of a public service in accordance with Article 8 of the Law of the Republic of Kazakhstan “On Personal Data and Their Protection”.

I hereby confirm the accuracy of the above information.

Applicant's signature _____ “ ” _____ 20_____.

Appendix 2
to the Rules for the provision
of a public service
“Issuance of the return certificate”

List of basic requirements for the provision of a public service “Issuance of the return certificate”

1	Name of the service provider	Foreign institutions of the Republic of Kazakhstan (hereinafter - the service provider).
2	Methods of providing a public service	Acceptance of applications and issuance of results of the provision of a public service shall be carried out by foreign institutions of the Republic of Kazakhstan.
3	Term of providing a public service	2 (two) working days – upon availability of an original of one of the identity documents. 10 (ten) working days – in the absence of an original of one of the identity documents.
4	Form of providing a public service	Paper.
5	The result of providing a public service	The return certificate or reasoned refusal to provide a public service. Form of the result of providing a public service: paper.
6	The amount of payment charged to the service recipient when providing a public service, and methods of collecting it in cases provided for by the legislation of the Republic of Kazakhstan	The public service shall be provided to individuals on a paid basis at consular fee rates, in accordance with the Code of the Republic of Kazakhstan “On taxes and other obligatory payments to the budget (Tax Code)” and the order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated May 20, 2019 No. 11-1- 4/227 “On approval of consular fee rates for consular actions on the territory of a foreign state” (registered in the Register of state registration of regulatory legal acts No. 18702). Payment of the consular fee shall be carried out in cash or non-cash through second-tier banks or organizations carrying out certain types of banking operations. The conditions for exemption from paying consular fees shall be regulated in accordance with the Code of the Republic of Kazakhstan

		<p>“On taxes and other obligatory payments to the budget (Tax Code)”.</p>
7	<p>Work schedule of the service provider, the State Corporation and information objects</p>	<p>From Monday to Friday inclusive, from 9:00 to 18:30 with a lunch break from 13:00 to 14:30, except weekends and holidays, according to the Labor Code of the Republic of Kazakhstan.</p> <p>Reception of documents shall be carried out by the service provider from 09:30 to 12:30, and delivery of results of the provision of a public services from 16:00 to 17:00.</p> <p>Wednesday is not a visiting day.</p> <p>In foreign countries with a hot and humid climate, the service provider's work schedule shall be set in relation to local conditions.</p> <p>The public service shall be provided on a first-come, first-served basis, without prior registration and expedited service; it is possible to reserve a queue through the service provider's online resource.</p> <p>Addresses of places where a public service is provided and the work schedule of service providers shall be posted on the Internet resource of the Ministry of Foreign Affairs of the Republic of Kazakhstan www.gov.kz.</p>
8	<p>List of documents and information required from the service recipient for the provision of a public service</p>	<ol style="list-style-type: none"> 1) an application in any form or a petition from the competent authority of a foreign state (in cases of deportation to the Republic of Kazakhstan or extradition to the Republic of Kazakhstan of a citizen of the Republic of Kazakhstan or a stateless person permanently residing in the Republic of Kazakhstan); 2) a document issued by the competent authority of a foreign state confirming the fact of filing an application for the loss of an identity document; 3) two color photographs measuring 3.5x4.5 centimeters; 4) original document confirming payment of the consular fee; 5) an original of one of the identity documents (if available), and in case of its absence - a completed

		<p>application form in accordance with Appendix 1 to the Rules for the provision of a public service “ Issuance of the return certificate” (hereinafter - the Rules);</p> <p>6) a relevant document issued by a medical institution of a foreign state confirming the fact of gender reassignment.</p> <p>When the service recipient submits all the necessary documents to the service provider, confirmation of acceptance of the application on paper shall be a mark on its copy indicating the date of its receipt, surname, name, patronymic (if any) of the person accepting it and the time of receipt of the documents.</p>
9	<p>Grounds for refusal to provide a public service established by the legislation of the Republic of Kazakhstan</p>	<p>1) establishing the unreliability of the documents submitted by the service recipient to receive a public service, and (or) the data (information) contained in them;</p> <p>2) non-compliance of the service recipient and (or) submitted materials, objects, data and information necessary for the provision of a public service with the requirements established by the regulatory legal acts of the Republic of Kazakhstan;</p> <p>3) lack of consent of the service recipient, provided in accordance with Article 8 of the Law of the Republic of Kazakhstan “On Personal Data and Their Protection,” to access restricted personal data that is required for the provision of a public service.</p>
10	<p>Other requirements taking into account the specifics of the provision of a public service, including those provided in electronic form and through the State Corporation</p>	<p>Contact phone numbers of help desks regarding the provision of a public service are listed on the Internet resource www.gov.kz, section “Public Services”, Unified Contact Center for the provision of public services: 1414, 8 800 080 7777.</p>

