



On approval of the Rules for determining the legal status of persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state.

Unofficial translation

Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated September 1, 2020, No. 607. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 2, 2020, No. 21161

Unofficial translation

In accordance with subparagraph 25) of Article 11 of the Law of the Republic of Kazakhstan dated April 23, 2014 "On Internal Affairs Bodies of the Republic of Kazakhstan" I HEREBY ORDER:

1. To approve the attached Rules for determining the legal status of persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state;

2. The Committee of the Migration Service of the Ministry of Internal Affairs of the Republic of Kazakhstan shall ensure:

1) state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan;

2) posting this Order on the Internet resource of the Ministry of Internal Affairs of the Republic of Kazakhstan;

3) within ten working days after the state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan, submission to the Legal Department of the Ministry of Internal Affairs of the Republic of Kazakhstan the information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.

3. Control over the implementation of this Order shall be entrusted to the supervising Deputy Minister of Internal Affairs of the Republic of Kazakhstan and the Migration Service Committee (Kabdenov M.T.) of the Ministry of Internal Affairs of the Republic of Kazakhstan.

4. This Order shall come into effect upon the expiration of ten calendar days after the day of its first official publication.

*Minister of Internal Affairs of the
Republic of Kazakhstan*

E. Turgumbayev

Annex
to the Order of the
Minister of Internal Affairs of the
Republic of Kazakhstan
dated September 1, 2020, No. 607

The Rules for determining the legal status of persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state

Chapter 1. General Provisions

1. These Rules for determining the legal status of persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 25) of Article 11 of the Law of the Republic of Kazakhstan dated 23 April 2014 "On the Internal Affairs Bodies of the Republic of Kazakhstan".

2. Persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state, shall be recognized as stateless persons.

Chapter 2. The procedure for granting the status of a stateless person

3. The basis for assigning the status of a stateless person shall be an application addressed to the first head of the Police Department of regions, cities of republican significance, and the capital (hereinafter referred to as PD) at the place of permanent residence.

4. The following documents shall be attached to the application:

- 1) application form, in the form in accordance with Annex 1 to these Rules;
- 2) autobiography;
- 3) two photographs of 3.5 x 4.5 cm.

Persons residing without documents, identity, or with the passport of the 1974 sample (the former Union of Soviet Socialist Republics) shall additionally provide a document proving their residence in the territory of the Republic of Kazakhstan (the book of registration of citizens, apartment profile card, house register (if any); archive reference-extract from the household's books, diploma, certificate, military ID, a certificate from the educational institution, work record book, certificate of birth or any other document identifying the identity of the applicant, and if necessary, a written confirmation of the three witnesses to the fact of the applicant's residence in the Republic of Kazakhstan).

Persons who have permanent registration in the territory of the Republic of Kazakhstan, who have issued a withdrawal from the citizenship of the Republic of Kazakhstan, or the citizenship of a foreign state, shall additionally provide a document confirming the absence or termination of citizenship of another state, issued by the competent authority of the corresponding state.

Persons who do not have permanent registration on the territory of the Republic of Kazakhstan, while living in the country for at least five years, shall additionally provide a

document confirming the absence or termination of citizenship of another state, issued by the competent authority of the relevant state.

Persons released from places of deprivation of liberty shall additionally submit a certificate of release from places of deprivation of liberty.

In respect of the persons under investigation, the application of the investigative department of the PD shall be attached.

In respect of the persons serving a sentence in places of deprivation of liberty, a petition shall be required from the institution of the penal system where the applicant and the verdict of the court are kept.

5. Materials shall be accepted for consideration when the applicant submits a full package of necessary documents, the term for consideration shall be up to 45 (forty-five) calendar days.

6. After receiving the documents, the authorized police officer within 7 (seven) calendar days shall:

form materials into a separate accounting file with a period of permanent storage;

verify the authenticity of the issuance of documents confirming the fact of residence in the territory of the Republic of Kazakhstan;

check the records of the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan;

in respect of the persons residing in the territory of the Republic of Kazakhstan without documents, draw up a record of identification of a citizen, in the form according to Annex 2 to this Regulation (hereinafter referred to as the Identification protocol).

The identification protocol shall be drawn up based on the applicant's photograph, with the presentation at the same time of the photographs of other persons, in the amount of at least three people, with the involvement of close relatives or persons who have known the applicant for at least 10 years;

in respect of the persons who have lost the USSR passport of the 1974 model, the document issuing authority shall send a request in the form in accordance with Annex 3 of these Rules, on the demand for a copy of Form-1;

7. If it is impossible to consider the application due to the lack of a response from the competent authorities of a foreign state, the consideration shall be suspended for up to six months, about which the applicant shall be notified.

After six months, in the absence of responses from the competent authorities of a foreign state, the decision shall be made without responding to the request.

8. After all the necessary measures have been taken, a reasoned opinion shall be issued in an arbitrary form, which shall set out in detail the verification data characterizing the applicant and shall be approved by the head of the PD or his deputy, which shall be attached to the accounting file.

9. In case of a positive consideration of the application, the applicant shall be issued a certificate in the form in accordance with Annex 4 to these Rules on the assignment of the status of a stateless person, which shall be the basis for documenting them with a certificate of a stateless person.

10. If the documents are unreliable, or the submitted materials are inconsistent, or the applicant reports deliberately false information about himself, the assignment of the status of a stateless person shall be refused.

11. Written notification shall be sent to the applicant about the adopted decision.

12. In respect of the persons residing in the territory of the Republic of Kazakhstan, who are non-citizens of the Republic of Kazakhstan and without evidence of their belonging to the citizenship of another state, the procedure for issuing a permit for permanent residence in the Republic of Kazakhstan shall not be carried out.

Annex 1
to the Rules for
determining the legal status of
persons residing in the territory of
the Republic of Kazakhstan, who
are non-citizens of the
Republic of Kazakhstan and
without evidence of their
belonging to the citizenship of
another state Place for photo
(35 x 45 mm)

APPLICATION - QUESTIONNAIRE FOR GRANTING THE STATUS OF A PERSON WITHOUT CITIZENSHIP

—
name of the police authority

I hereby confirm to live in the Republic of Kazakhstan _____
(specify)
at the address: _____

Applicant Information:

1. Last name, first name, patronymic (if any) _____

—
in case of changing the last name, first name, patronymic (if any); indicate the previous
last name,
first name, patronymic

2. Date, month, year, and place of birth _____

3. Citizenship (nationality) of the foreign state they had before _____

where, when and on what grounds it was lost

4. Sex _____

male, female

5. Nationality _____

indicated at will

6. Marital status _____

married, single

divorced, the No. of marriage (divorce) certificate, date, and place of issue)

7. The members of the family, including minor children (including adopted children, under guardianship, children in care):

Relationship to the applicant	Surname, name, patronymic (if any)	Year and deposits	Citizenship (patriality)	Address, place of residence, study	IIN if any	Place of work

8. Information on labor activity, including study:

Date (month and year)	Position with an indication of the organization, work of admission, dismissal	Workplace address

9. Individual identification number (if any)

certificate number, date and place of issue, name of the issuing authority

10. Do you have an unexpunged or unexpired conviction for committing a criminal offense on the territory of the Republic of Kazakhstan or outside of it, if yes, how many times and when _____

"__" _____ 20__

(date of submission of the application) (signature of the applicant)

The application accepted for consideration "__" _____ 20__.

I hereby confirm that I checked the correctness of the application and the availability of the necessary documents, the application was signed in my presence, I hereby confirm the authenticity of the applicant's signature

special title (if any), _____

position, surname, initials of the authorized official who accepted the documents _____

(signature of the official)

Annex 2
to the Rules for
determining the legal status of
persons residing in the territory of
the Republic of Kazakhstan, who
are non-citizens of the
Republic of Kazakhstan and
without evidence of their
belonging to the citizenship of
another state

PROTOCOL

For a citizen identification

"__" _____ 20__

PHOTO PHOTO PHOTO PHOTO

(all photographs shall be certified by the official stamp, the stamp shall be affixed clear, freely readable, the seal number shall be located on the form of the protocol (not in the photograph).

1. Citizen _____

(last name, first name, patronymic (if any) registration address) _____

No. and type of identity document _____

dated " ____ " _____ state body of issue _____

2. Citizen _____

(last name, first name, patronymic (if any) _____

(registration address) No. and type of identity document _____

dated " ____ " _____ state body of issue _____

3. Citizen (s) _____

(last name, first name, patronymic (if any) _____

(registration address) No. and type of identity document _____

dated " ____ " _____ state body of issue _____

We hereby recognize that photo No. _____ depicts _____

(last name, first name, patronymic (if any), date of birth)

Signatures of persons identifying the person:

1. _____

Last name, first name, patronymic (if any) (signature)

2. _____

(last name, first name, patronymic (if any) (signature)

3. _____

(last name, first name, patronymic (if any) (signature)

The certificate drawn by: _____

(last name, first name, patronymic (if any), position of the authorized officer) (signature)

(name of the police body)

Annex 3
to the Rules for
determining the legal status of
persons located on the territory of
the Republic of Kazakhstan, who
are non-citizens of the
Republic of Kazakhstan and

without evidence of their
belonging to the citizenship of
another state
The form

Request for a copy of the form (form-1)

Police body stamp Ref. No. _____ " ____ " _____ 20__

To

From _____

—
(last name, first name, patronymic (if any), year of birth, native of _____

received a certificate on the loss of a passport of the 1974 sample _____

No. _____ dated " ____ " _____ ;
identity document No. _____ dated " ____ " _____

—
I hereby request you to confirm the issuance of a passport of the 1974 sample, an identity document, (indicate the type of document)

—
(last name, first name, patronymic (if any) with a copy of Form-1, certified in accordance with the established procedure, and an entry from the book of Form-2 for accounting forms -1 for passports of the 1974 type. _____

—
(name of the police body) _____

—
(last name, first name, patronymic (if any), signature of a police officer) " ____ " _____
__ 20__

Annex 4
to the Rules for
determining the legal status of
persons located on the territory of
the Republic of Kazakhstan, who
are non-citizens of the
Republic of Kazakhstan and
without evidence of their
belonging to the citizenship of
another state
Photo place
(35 x 45 mm)

Certificate No. _____

Issued for obtaining a certificate of a stateless person in the Republic of Kazakhstan

Surname _____

Name _____

Patronymic (if any) _____

Date of birth _____

In accordance with the Law of the Republic of Kazakhstan dated June 19, 1995, "On the legal

status of foreigners" is a stateless person.

Justification:

Conclusion of regional PD 20 __. " __ "

Head of DMS PD _____ (signature) Stamp place

Reference stub No. _____

Surname _____

Name _____

Patronymic (if any) _____

Date of birth _____

In accordance with the Law of the Republic of Kazakhstan, dated June 19, 1995 "On the legal

status of foreigners" is a stateless person.

Justification:

Conclusion of regional PD 20 __ " __ "

Inspector _____ (signature)

The certificate received on _____ (signature) " __ " _____ 20

Stamp place