



On approval of the Rules for requesting documents relating the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan

Unofficial translation

Joint order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated September 11, 2020 № 11-1-4/252 and the Minister of Justice of the Republic of Kazakhstan dated October 6, 2020 № 460. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 12, 2020 № 21405

Unofficial translation

In accordance with paragraph 67 of the Consular Charter of the Republic of Kazakhstan, approved by the Decree of the President of the Republic of Kazakhstan dated April 25, 2016 No. 240, **we hereby ORDER:**

1. To approve the attached Rules for the requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

2. To recognize the joint order of the Minister of Foreign Affairs of the Republic of Kazakhstan as invalid dated May 22, 2002 No. 08-1/1 and the Minister of Justice of the Republic of Kazakhstan dated June 28, 2002 No. 98 "On approval of Rules for the requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan." (Registered in the Register of State Registration of Regulatory Legal Acts No. 1899, published in the Bulletin of Regulatory Legal Acts of the central executive and other state bodies of the Republic of Kazakhstan, 2002, No. 29, Article 632).

3. The Department of Consular Service of the Ministry of Foreign Affairs of the Republic of Kazakhstan shall:

1) ensure in accordance with the procedure established by the legislation of the Republic of Kazakhstan, state registration of this joint order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten working days after the state registration of this joint order in the Ministry of Justice of the Republic of Kazakhstan, submit to the Legal Department of the Ministry of Foreign Affairs of the Republic of Kazakhstan information on the implementation of the measures provided for in subparagraph 1) of this paragraph.

4. The Ministries of Justice and Foreign Affairs of the Republic of Kazakhstan shall ensure that this joint order shall be placed on the official Internet resources of state bodies.

5. Control over the execution of this joint order shall be entrusted to the Supervising Deputy Ministers of Justice and Foreign Affairs of the Republic of Kazakhstan.

6. This joint order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Justice
of the Republic of Kazakhstan*

_____ *M. Beketayev*

*Minister of Foreign Affairs
Republic of Kazakhstan*

_____ *M. Tileuberdi*

Attorney
of the Republic of Kazakhstan

General's

" A G R E E D "
Office

Ministry of
of the Republic of Kazakhstan

Education

" A G R E E D "
and Science

Ministry
of the Republic of Kazakhstan

of

" A G R E E D "
Healthcare

Ministry of Labour and
of the Population of the Republic of Kazakhstan

" A G R E E D "
Social Protection

Supreme
of the Republic of Kazakhstan

" A G R E E D "
Court

Ministry
of the Republic of Kazakhstan

of

" A G R E E D "
Defense

Ministry of
of the Republic of Kazakhstan

Culture

" A G R E E D "
and Sports

National
of the Republic of Kazakhstan

Security

" A G R E E D "
Committee

Ministry of
Innovation and
of the Republic of Kazakhstan

Digital
Aerospace

" A G R E E D "
Development,
Industry

" A G R E E D "

Ministry of the Internal Affairs
of the Republic of Kazakhstan

Approved
by joint order
of the Minister of Justice
of the Republic of Kazakhstan
dated October 6, 2020 № 460
and Minister of Foreign Affairs of the Republic of
Kazakhstan
dated September 11, 2020
№ 11-1-4/252

Rules for requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan

Chapter 1. General provisions

1. These Rules for requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the Rules) have been developed in accordance with paragraph 67 of the Consular Charter of the Republic of Kazakhstan, approved by the Decree of the President of the Republic of Kazakhstan dated April 25, 2016 No. 240, and shall establish the procedure for requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons through the foreign institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

2. These Rules shall refer to the process of requesting documents relating to the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan, foreigners and stateless persons from the state bodies and organizations of the requested country by sending through the foreign institutions of the Republic of Kazakhstan and the Department of Consular Service of the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the Department of Consular Service).

3. If an international treaty ratified by the Republic of Kazakhstan establishes a different procedure than that contained in these Rules, the procedure set forth in the specified international treaty shall apply.

4. Originals and copies of the following documents shall not be requested from the Republic of Kazakhstan:

- 1) military service record card (certificates of registration to the conscription station);
- 2) service certificates;
- 3) a marriage certificate if the marriage is dissolved;
- 4) birth certificates of deceased persons.

5. Death certificates can be requested by relatives of the deceased, state bodies and organizations of foreign countries for official purposes (opening a hereditary case and other purposes of a socio-legal nature).

6. Applications for requesting concerning minors and also persons recognized by court incapacitated applied by their legal representatives (parents, trustees).

7. For the request of a document from the Republic of Kazakhstan, a consular fee shall be charged in accordance with the Code of the Republic of Kazakhstan dated December 25, 2017 "On taxes and other mandatory payments to the budget (Tax Code)."

A consular fee shall be levied regardless of the outcome of the request.

Chapter 2. Procedure for requesting documents from the Republic of Kazakhstan

8. To request documents from state bodies and organizations of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan, foreigners and stateless persons shall submit the following documents to the foreign institution of the Republic of Kazakhstan:

- 1) application (in arbitrary form);
- 2) three copies of the questionnaire for the request of documents according to the form, according to the Annex to these Rules;
- 3) a copy of the identity document of the applicant, legal representative or trusted person;
- 4) a copy of the document confirming the applicant's relationship with the person in respect of whom the documents shall be requested (if necessary);
- 5) the original document confirming the authority of the legal representative or trusted person (if the documents are requested by the representative of the person entitled to receive them);
- 6) consent of the applicant or his legal representative or trusted person to the collection and processing of personal data (in arbitrary form);
- 7) a copy of the requested document (if any);
- 8) original document confirming payment of consular fee.

9. The execution to request documents shall be refused if:

- 1) a person who does not have the right to receive such documents has applied for documents;
- 2) the applicant has not indicated in the questionnaire the information necessary for the consideration of the request;
- 3) the applicant has not provided the documents provided for in paragraph 8 of these Rules.

10. The foreign institution of the Republic of Kazakhstan within fifteen calendar days after verifying the documents for compliance with paragraph 8 of these Rules shall send a request for documents with attached documents (2 copies of the questionnaire, a copy of the

document confirming the payment of consular fees and the rest of the documents specified in paragraph 8 of these Rules) to state bodies and organizations of the Republic of Kazakhstan through the Department of Consular Service.

11. The Department of Consular Service within fifteen calendar days shall send the received request to the state bodies and organizations of the Republic of Kazakhstan jointly with the attached documents.

12. The following state bodies and organizations of the Republic of Kazakhstan shall execute requests:

1) civil registration documents - civil registration departments (registering bodies);

2) to request documents of a socio-legal nature:

on issues within the competence of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan - the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan;

Documents held in state custody in state and special state archives, information and legal statistics centers of the Republic of Kazakhstan (on seniority, salary, pensions, state and departmental awards, facts of unjustified repression, deportation of citizens and confiscation of their property, military service, participation in the labor army, judicial acts and certificates) - Ministry of Culture and Sports of the Republic of Kazakhstan, Department for Ensuring the Activities of Courts under the Supreme Court of the Republic of Kazakhstan, National Security Committee of the Republic of Kazakhstan, Ministry of Internal Affairs of the Republic of Kazakhstan, Ministry of Defense of the Republic of Kazakhstan, Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan, non-profit joint-stock company "State Corporation "Government for Citizens" or other state bodies and organizations holding the requested documents;

3) the Ministry of Education and Science of the Republic of Kazakhstan;

4) requesting documents having information on the search for close relatives of citizens of the Republic of Kazakhstan, foreigners and stateless persons on the territory of the Republic of Kazakhstan and abroad, whose communication has been interrupted by political events, hostilities or natural disasters, including former prisoners of war and internees, as well as on inquiries about the safety of the graves of soldiers and civilian persons, buried during periods of hostilities in the territory of the former Union of Soviet Socialist Republics and beyond - the Public Association "Red Crescent Society of the Republic of Kazakhstan";

5) the Ministry of Healthcare of the Republic of Kazakhstan and the Ministry of Culture and Sports of the Republic of Kazakhstan shall be required to request documents containing information on being in treatment, occupational diseases and accidents.

13. According to the results of the consideration of requests within fifteen calendar days, state bodies and organizations of the Republic of Kazakhstan shall send the requested document through the Department of Consular Service to the foreign institution of the Republic of Kazakhstan or inform the relevant foreign institution of the Republic of

Kazakhstan in writing about the reasons for the inability to satisfy the request or the need for additional verification.

14. The Department of Consular Services within fifteen calendar days shall send the received response of the state body and organizations of the Republic of Kazakhstan to the foreign institution of the Republic of Kazakhstan jointly with the attached documents.

15. After receiving a response from the Department of Consular Services within fifteen calendar days, the foreign institution of the Republic of Kazakhstan shall provide the applicant with the requested document or shall inform the applicant in writing about the reasons for the inability to satisfy the request or the need for additional verification.

16. The term of the request shall be calculated from the day the applicant submits documents to the foreign institution of the Republic of Kazakhstan and does not exceed four months. In case of necessity of additional verification by state bodies and organizations of the Republic of Kazakhstan, as well as transfer of documents by mail, which requires a long time, the term of the request shall be extended for no more than thirty calendar days, which is reported to the applicant.

Chapter 3. Procedure for requesting documents from abroad

17. In order to request documents from abroad, state bodies and organizations of the Republic of Kazakhstan shall submit the following documents through the Department of Consular Service to the foreign institution of the Republic of Kazakhstan:

1) three copies of the questionnaire for the request of documents according to the form, according to the Annex to these Rules;

2) a copy of the identity document of the applicant, legal representative or trusted person;

3) a copy of the document confirming the applicant's relationship with the person in respect of whom the documents shall be requested (if necessary);

4) the original document confirming the authority (if the documents are requested by the representative of the person entitled to receive them);

5) consent of the applicant or his legal representative or trusted person to the collection and processing of personal data;

6) a copy of the requested document (if any).

18. The Department of Consular Services within fifteen calendar days shall send the received request to the relevant foreign institution of the Republic of Kazakhstan.

19. Within fifteen calendar days from the date of receipt of the request from the Department of Consular Services, the institution of the Republic of Kazakhstan shall apply to the competent authorities of foreign states on the issue of requesting documents, as reported to the Department of Consular Services within five working days.

20. Upon receipt of a response from the competent authorities of foreign states, within fifteen calendar days the institution of the Republic of Kazakhstan shall send through the Department of Consular Services to the state body and organization of the Republic of

Kazakhstan a written response with the attached document or indicating the reasons for the impossibility of satisfying the request or the need for an additional period for consideration of the request by the competent authorities of foreign states.

21. The Department of Consular Services shall, within fifteen calendar days, forward the received response of the foreign institution of the Republic of Kazakhstan to the state body and organization of the Republic of Kazakhstan jointly with the attached documents.

22. Repeated certificates of registration of civil status of citizens of the Republic of Kazakhstan who have previously received such certificates at consular offices of the former Union of Soviet Socialist Republics shall be requested by the Department of Consular Service through the foreign office of the Republic of Kazakhstan in the Russian Federation.

23. The request of documents from countries with which the Republic of Kazakhstan shall not have diplomatic relations shall be carried out through foreign institutions of foreign states representing these countries in the territory of the Republic of Kazakhstan or foreign institutions of these countries located in the territory of the host state of foreign institutions of the Republic of Kazakhstan.

24. Legalization or apostylation of requested official documents from foreign countries shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan, unless otherwise provided by an international treaty ratified by the Republic of Kazakhstan.

Annex
to Rules for the request
of the document, relating to
ensuring rights and legitimate
interests of citizens of the
Republic of Kazakhstan of
foreigners and stateless persons
through institutions of the Ministry
of Foreign Affairs of the
Republic of Kazakhstan

Certificate for the request of the document

Questions	Answers
Information in relation to persons whose document is requested	
1. Last name, first name, patronymic (if any) Note : Provide information in the state or Russian and in a foreign language; please also specify all previous last names in case of change	
2. Number, month, year and place of birth Note : village, city, district, region, if born abroad, specify the country	
3. Gender	
4. Citizenship Note : Please also specify all previous citizenship in case of change	

5. Nationality	
6. Which document is requested: Note: if a civil registration document is requested, specify the exact place and time of registration, as well as surname, first name and patronymic (if any) of the parents when requesting the birth document; if an education document is requested, specify the name and address of the educational institution, the date of admission and graduation, the series and number of the requested document; if a seniority document is requested, specify the name, address of the institution, period of employment and position; If a document on a pension appointed abroad is requested, specify when, for what and for which organization the pension was appointed, which organization and when the pension was last paid; the name of the enterprise, institution and educational institution should be indicated as far as possible in a foreign language.	
7. Purpose of a request for the document	
8. Place of residence	
Information given in relation to the applicant in the event of a request for documents of another person	
9. Last name, first name, patronymic (if any)	
10. Date, month, year and place of birth	
11. Citizenship	
12. Relationship to the person whose document is requested	
13. Place of residence	

Date: _____
(first name, last name, patronymic (if any) signature)