

On Refugees

Unofficial translation

The Law of the Republic of Kazakhstan dated 4 December, 2009 No.216-IV.

Unofficial translation

This Law shall determine the legal status of persons, seeking refuge and refugees in the territory of the Republic of Kazakhstan.

Article 1. The basic concepts, used in this Law

The following concepts shall be used in this Law:

1) refugee – a foreigner, which in view of a well-founded fear of being persecuted on ground of race, nationality, religion, citizenship, affiliation to particular social group or political opinions, is outside the country of his (her) citizenship and is unable to enjoy protection of his (her) country, or does not wish to enjoy such protection, in consequence of such fears, or a person without citizenship residing outside his (her) country of permanent place of residence or citizenship, who are unable or unwilling to return to it in consequence of these fears;

2) **refugee certificate – a document, certifying personality and confirming the refugee's status;**

3) **excluded by Law of the RK No. 327-VI of 13.05.2020 (shall be enacted on 01.01.2021)**
;

4) secure third country – the country, in which the person, seeking a refuge was temporary resided until the arrival to the Republic of Kazakhstan and where he (she) may be granted or was granted access to the effective mechanisms of protection and determination of refugee status;

5) refuge – granting protection to the persons, seeking refuge by award of status of refugee in the territory of the Republic of Kazakhstan;

6) a person, seeking refuge, - a foreigner or person without citizenship, indicated willingness to apply for refuge in the Republic of Kazakhstan until adoption of conclusive decision by the authorized body on its application on award of status of refugee;

7) a certificate of person, seeking refuge – a document, issued by the authorized body, confirming registration of application on award of status of refugee;

8) an authorized body – the state body, carrying out management in the scope of regulation of relations on issues of refugees;

9) country of consignment – the country of citizenship of foreigner or permanent place of residence without citizenship.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 327-VI of 13.05.2020 (shall come into force 01.01.2021).

Article 2. The scope of effect of this Law

1. This Law shall regulate the social relations in the field of legal status of persons, seeking refuge and refugees in the territory of the Republic of Kazakhstan.

2. The effect of this Law shall not be distributed to the relations, linked with granting of political refuge in the territory of the Republic of Kazakhstan, as well as to the persons, left the country of their citizenship or the country of permanent place of residence in view of economic reasons.

Article 3. The legislation of the Republic of Kazakhstan on refugees

1. The legislation of the Republic of Kazakhstan on refugees shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

Article 4. Basic principles of the state policy on issues of refugees

The basic principles of the state policy on issues of refugees shall be:

1) ensuring persons, seeking refuge and refugees with the right to refuge in accordance with the procedure, established by this Law;

2) inadmissibility of discrimination on grounds of social origin, race, nationality, citizenship, religion and political opinions upon carrying out procedures on award of status of refugee;

3) confidentiality compliance of information on personal life of persons, seeking refuge, and refugees;

4) assistance to reunification of separated families, seeking refuge, and refugees;

5) protection of rights of refugee children, being in the Republic of Kazakhstan in accordance with the Legislation of the Republic of Kazakhstan on rights of the child;

6) non-admission of removal of persons, seeking refuge and refugees upon availability of grounds, provided by second part of paragraph 2 of Article 18 of this Law.

Article 5. The competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop the principal directions of the state policy on issues of refugees;

2) adopt the regulatory legal acts on issues of refugees within its competence;

3) determine procedure of award, prolongation, deprivation and termination of the refugee's status;

4) determine centres of temporary settlement in case of mass influx of asylum seekers, and approve the procedure for reception and accommodation therein;

4-1) shall be excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239 -V (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

5) excluded by Law of the Republic of Kazakhstan No. 223-VII dated 19.04.2023 (shall be enacted ten calendar days after the day of its first official publication).

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2023 (shall be enacted ten calendar days after the day of its first official publication).

Article 6. The competence of the authorized body

An authorized body shall:

- 1) develop and implement State Refugee Policy;
- 2) develop, confirm the regulatory legal acts on issues of refugees within its competence;
 - 2-1) carry out coordination and methodological guideline of local executive bodies on issues of refugees;
- 3) effect international cooperation on issues of refugees;
- 4) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*
- 5) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);*
- 6) carry out the state control of observance of the legislation of the Republic of Kazakhstan on refugees;
- 7) confirm the procedure of registration and consideration of application on award of status of refugee, samples of the certificate of person, seeking refuge;
- 8) assist the person, recognized as a refugee, in acquisition of information on relatives, residing in the country of origin within its competence;
- 9) *is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication)*;
- 10) *) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);*
- 11) *) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);*
- 12) *) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);*

13) develop and approve a standard regulation on the commission for implementation of the procedure for granting, extending, depriving, and terminating a refugee status;

13-1) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

13-2) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

13-3) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

13-4) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

13-5) is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

14) exercise other functions, provided by this Law, other Laws, the acts of the President and the Government of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.01.2013 No. 74-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); No. 375-VI of 16.11.2020 (shall take effect ten calendar days after the date of its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 223-VII of 19.04.2023 (shall be effective ten calendar days after the date of its first official publication).

Article 6-1. The competence of local executive bodies of regions, cities of republican significance, and the capital

Local executive bodies of regions, cities of republican significance and the capital shall:

- 1) implement, within their competence, the state policy on the issues of refugees;
- 2) issue a certificate of an asylum seeker;
- 3) carry out the procedures for granting, extending, depriving, and terminating a refugee status;

- 4) issue a refugee certificate;
- 5) form and send monthly the lists of asylum seekers and refugees to the authorized body, national security bodies, and internal affairs bodies;
- 6) create commissions for the implementation of the procedure for granting, extending, depriving and terminating a refugee status;
- 7) ensure the observance of the rights of asylum seekers and refugees;
- 8) exercise in the interests of local government other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 7. The competence of other state bodies

1. An authorized body, carrying out the foreign policy activity shall:

1) represent the Republic of Kazakhstan in relations with foreign states and international organizations on issues of refugees;

2) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

3) represent suggestions and recommendations on issues of relations of the Republic of Kazakhstan with the foreign states and international organizations in the matter of refugees to the President, the Parliament and the Government of the Republic of Kazakhstan in the procedure, established by the legislation;

4) ensure participation of the Republic of Kazakhstan in the activity of international organizations, conferences, meetings, forums on issues of refugees and international actions on protection of rights of refugees;

5) assist the person, recognized as a refugee, in acquisition of information on relatives, residing in the country of origin within its competence;

6) exercise other functions, provided by this Law, other Laws, the acts of the President and the Government of the Republic of Kazakhstan.

2. *Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

2-1. An authorized body in the scope of civil protection shall:

1) submit to the Government of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, proposals for the release of material valuables from the state material reserve to provide assistance to refugees in coordination with the authorized body in the field of state material reserve;

2) render assistance to the local executive bodies in deployment of tent camps, preparation of stationary camps for reception of refugees;

3) ensure fire safety in tent and stationary camps for reception of refugees;

4) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2-2. Internal affairs bodies shall:

1) carry out registration of asylum seekers and refugees at the place of residence in the territory of the Republic of Kazakhstan;

2) approve the sample of the travel document;

3) issue a travel document;

4) on the recommendation of the national security agencies, restrict or prohibit the access of asylum seekers and refugees to certain areas or objects located in the border zone (strip) during natural and man-made emergencies, border search for violators of the State Border of the Republic of Kazakhstan, repelling armed invasion or mass crossings of citizens of a neighbouring state to the territory Republic of Kazakhstan;

5) carry out the forced expulsion of asylum-seekers and refugees in pursuance of court decisions that have entered into legal force;

6) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, and the Government of the Republic of Kazakhstan.

3. Other state bodies of the Republic of Kazakhstan shall carry out regulation in the scope of relations on issues of refugees within the competence, established by this Law, other Laws, the acts of the President and the Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 No. 189-V (shall be enforced upon expiry of ten calendar days after its first official publication) ; dated 29.09.2014 № 239-V (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 8. Rights and obligations of persons, seeking refuge

1. Persons, seeking refuge shall have a right to:

1) obtainment of free services of translator and information acquisition on procedure of award of the refugee's status, on their rights and obligations;

2) petition for award of the refugee's status through consular institutions of the Republic of Kazakhstan;

3) revocation of application on award of the refugee's status;

4) appeal against the decision of the local executive body of the region, the city of republican significance, and the capital to refuse to grant a refugee status;

5) residence in the Republic of Kazakhstan for the term up to the termination of decision-making process on application of award of the refugee's status, including periods for appeal;

6) voluntary return to the country of origin or move to the any third country;

7) medical service in accordance with the legislation of the Republic of Kazakhstan in the field of health care service;

8) freedom of labour or entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan;

9) judicial protection of property and private non-property weal and rights.

2. Persons, seeking refuge shall be obliged to:

1) give reliable information, necessary for adoption decisions on award of the refugee's status;

2) attend an obligatory medical examination in terms and procedure, established by the authorized body in the field of health care service;

3) comply with the legislation of the Republic of Kazakhstan;

4) notify the local executive body of the region, the city of republican significance, and the capital about the intention to leave the territory of the Republic of Kazakhstan;

5) when changing the place of residence on the territory of the Republic of Kazakhstan, deregister from the local executive body of the region, city of republican significance, and the capital at the previous place of residence and register with the local executive body of the region, city of republican significance, and the capital at the new place of residence within five working days from the date of arrival, as well as register at the place of residence in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

Sub-paragraph 6) of paragraph 2 is suspended until 01.01.2024 by Article 21 of this Law.

6) undergo dactyloscopy registration in a manner consistent with the laws of the Republic of Kazakhstan.

3. Asylum seekers shall have other rights and freedoms, as well as bear all the obligations established by the Constitution, laws, and international treaties of the Republic of Kazakhstan for foreigners and stateless persons.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); No. 41-VI of 30.12.2016 (shall take effect on 01.01.2021); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 9. The rights and obligations of refugees

1. Refugees shall have a right to:

1) refuge;

2) request information from relevant authorized bodies on relatives, residing in the country of origin;

3) appeal against the decision of the local executive body of the region, the city of republican significance, and the capital to refuse to renew, deprive or terminate a refugee status;

4) voluntary return to the country of origin or move to the any third country;

5) medical service in accordance with the legislation of the Republic of Kazakhstan in the field of health care service;

6) freedom of labour or entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan;

7) judicial protection of property and private non-property weal and rights.

8) taking property, brought by himself (herself), as well as acquired by him (her) in the territory of the Republic of Kazakhstan, to another country, in which the right of entry for location is granted to him (her);

9) obtaining of certificate of refugee and travel document.

2. Refugees shall be obliged to:

1) comply the legislation of the Republic of Kazakhstan;

2) notify the local executive body of the region, the city of republican significance, and the capital about the intention to leave the territory of the Republic of Kazakhstan;

3) when changing the place of residence on the territory of the Republic of Kazakhstan, deregister from the local executive body of the region, city of republican significance, and the capital at the previous place of residence and register with the local executive body of the region, city of republican significance, and the capital at the new place of residence within five working days from the date of arrival, as well as register at the place of residence in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

3. Persons, having the refugee's status, shall have a rights and freedoms, as well as incur all obligations, established by the Constitution, the Laws and international treaties of the Republic of Kazakhstan for foreigners and persons without citizenship.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 10. Serving order and registration of application on award of the refugee's status

1. An asylum seeker, within five calendar days upon arrival in the territory of the Republic of Kazakhstan or from the moment when he/she, while in the territory of the Republic of Kazakhstan, learned about the occurrence of circumstances to become a victim of persecution on the basis of race, nationality, religion, citizenship, belonging to a certain social group or political opinions, may apply personally or through an authorized representative with a written application for granting refugee status to the local executive body of the region, city of republican significance, and the capital at the place of his/her stay.

2. Is excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. When crossing the State Border of the Republic of Kazakhstan, a person shall submit a written application to the structural subdivision of the territorial subdivision of the Border Service of the National Security Committee of the Republic of Kazakhstan.

In the absence of a checkpoint across the State Border of the Republic of Kazakhstan, a person in case of forced illegal crossing of the State Border of the Republic of Kazakhstan must, within 24 hours, apply to the local executive body of the region, city of republican significance, and the capital.

4. In cases when persons detained for illegal entry or stay on the territory of the Republic of Kazakhstan express their intention to apply for refugee status, the competent authorities shall notify the local executive body of the region, city of republican significance, and the capital within one day from the moment of detention.

The local executive body of the region, city of republican significance, and the capital, within two calendar days, shall find out the circumstances of their stay in the territory of the Republic of Kazakhstan and register an application for granting a refugee status.

5. Information on the person's family members arrived with him (her), not attained the age of eighteen, shall be entered in application of one of the parents on the basis of document on birth, and upon absence of parents – to the application of their legal representatives.

Paragraph 6 is suspended until 01.01.2024; during the period of suspension, this paragraph shall apply in the wording of sub-paragraph 2) of part two of Article 21 of this Law

6. On the date of registration of the application for refugee status in the Republic of Kazakhstan, the asylum-seeker shall be issued an asylum-seeker's certificate, he/she shall be registered for the period until a decision on his/her application is made, and he/she shall be fingerprinted in obedience to the legislation of the Republic of Kazakhstan.

7. Information on family members, not attained the age of eighteen shall be entered in certificate of the person, seeking refuge, of one of the parents or legal representatives.

The certificate of the person, seeking refuge shall be issued to the person, seeking refuge, not attained the age of eighteen and arrived in the territory of the Republic of Kazakhstan.

8. The local executive body of the region, city of republican significance, and the capital shall inform the authorized body and internal affairs bodies about the assignment, extension of refugee status or refusal to assign, extend a refugee status within five working days from the date of the relevant decision.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.01.2013 No. 71-V (shall be enforced

upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 41-VI of 30.12.2016 (shall come into force on 01.01.2021); No. 375-VI of 16.11.2020 (shall take effect ten calendar days after the date of its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 11. Award of the refugee's status

Note!

Paragraph 1 is amended by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (effective after ten calendar days after the date of its first official publication).

Part one of Paragraph 1 is suspended until 01.01.2024; during the period of suspension, this part shall apply in the wording of sub-paragraph 3) of part two of Article 21 of this Law.

1. The decision to grant a refugee status shall be made by the local executive body within three months from the date of registration of the application for granting a refugee status.

In the cases, when an additional verification shall be required for adoption of decision, the pronouncement of conclusive decision shall be reserved for the term no more than one year.

2. Recognition of persons, being the members of one family, shall be carried out by refugees in relation of each member of family, attained the age of eighteen, in recognition of circumstances, provided by subparagraph 1) of Article 1 of this Law.

In case of absence of circumstances, provided in subparagraph 1) of Article 1 of this Law, in relation of one of the members of family, attained the age of eighteen, this family member shall be also recognized as a refugee in order of ensuring of family reunification.

Requirements of this Article, as well as Articles 10, 12, 13 and 14 of this Law shall be applied upon submission of application to the spouse (spouse) of person, won refugee status or applied to for refugee in the Republic of Kazakhstan for the purpose of family reunification

The spouse (wife) and minor children of persons who arrived on the territory of the Republic of Kazakhstan later than the person who received the status of a refugee in the Republic of Kazakhstan, or an asylum seeker, when applying for family reunification, must submit evidence and (or) documents to the local executive body, confirming their family relationship.

Upon violation of unity of family in consequence of divorce or death of refugee, the refugee's status of members of his (her) family shall be maintained for the term of decision on award to him (her) the refugee's status.

3. Recognition of the person, not attained the age of eighteen by refugee and arrived in the territory of the Republic of Kazakhstan without parents or legal representatives, shall be carried out in recognition of the interests of this person in accordance with this Law after acquisition of information on parents or legal representatives.

4. In case if a person, recognized as a refugee, born a child, the legal position of the child shall be determined in accordance with the legislation of the Republic of Kazakhstan.

5. Refugee status shall be granted for a period of one year. A person who has been granted a refugee status shall be issued a refugee certificate by the local executive body of the region, city of republican significance, and the capital within five working days from the date of the decision.

If the former circumstances that served as the basis for granting him/her a refugee status persist in the country of origin of the refugee, the term of refugee status shall be extended for one year and for each subsequent year by the local executive body of the region, city of republican significance and the capital on the basis of the refugee's application submitted by him/her one month before the end of the specified term.

6. In the event that an asylum seeker is denied a refugee status, the local executive body of the region, city of republican significance, and the capital, within five working days from the date of the decision to refuse, shall hand over or send to the asylum seeker a copy of the decision indicating reasons for the refusal and an explanation of the procedure for appealing the decision.

Footnote. Article 11 as amended by Law of the RK No. 41-VI of 30.12.2016 (shall be enacted on 01.01.2021); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 12. Reasons for rejection to the person, seeking refuge in award of the refugee's status

Reasons for rejection to the person, seeking refuge in award of the refugee's status shall be the following circumstances:

1) absence well-founded fears, that a person may be a victim of persecution on ground of race, nationality, religion, citizenship, affiliation to particular social group or political opinions;

2) if a person refused to report or report knowingly false information on himself (herself) and on the circumstances of arrival on the territory of the Republic of Kazakhstan, and also represent the false documents;

3) availability of the citizenship at a person of third state, the protection of which he (she) may use;

4) if a person immediately arrived from the secure territory of third country;

5) if in relation of this person have compelling reasons to suppose that he (she) participate or participated in the activity of terrorist, extremist, as well as prohibited religious organizations, operating in the country of nationality or in the country, from where he (she) came;

6) if in relation of this person have compelling reasons to suppose that he (she) committed an offence against the world, military offense or crime against humanity in definition, given

by this action in the international acts, concluded in order of adoption of measures in relation of such crimes;

7) if in relation of this person have compelling reasons to suppose that he (she) committed an enormous offense of non-political nature outside the Republic of Kazakhstan before arrival to its territory;

8) if in relation of this person have compelling reasons to suppose that he (she) guilty in doing, contradicted to the objectives and principles of United Nations Organization and international organizations, the members of which the Kazakhstan is;

9) if this person enjoy protection or assistance of bodies or institutions of United Nations Organization, except of Government of High commissioner of United Nations Organization in the matter of refugees.

Sub-paragraph 10) of Article 12 is suspended until 01.01.2024 by Article 21 of this Law.

10) if this person refuses or fails to undergo fingerprint registration in a manner consistent with the laws of the Republic of Kazakhstan.

Footnote. Article 12 as amended by Law of the RK No. 41-VI of 30.12.2016 (shall be enacted on 01.01.2021).

Article 13. Deprivation of person of the refugee's status

1. A person shall be deprived the refugee's status, if he (she):

1) reported knowingly false information or represented the false documents, constituted as a ground for award of the refugee's status;

2) sustained a conviction for the offence against the world, military offense or crime against humanity in definition, given by this action in the international acts, concluded in order of adoption of measures in relation of such crimes;

3) sustained a conviction for an enormous offense of non-political nature, committed outside the Republic of Kazakhstan before arrival to its territory;

4) sustained a conviction for doing, contradicted to the objectives and principles of United Nations Organization and international organizations, the members of which the Kazakhstan is;

5) sustained a conviction for participation in the activity of terrorist, extremist, as well as prohibited religious organizations.

2. The local executive body of the region, city of republican significance, and the capital, within five working days from the date of the decision to deprive the refugee status, shall hand over or send to this person a copy of the decision indicating the reasons for this decision and explaining the procedure for appealing the decision, and also inform the authorized body and internal affairs bodies about the decision.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 14. Termination of the refugee's status

1. The refugee's status shall be terminated, if a person:

1) acquired citizenship of the Republic of Kazakhstan or other state and enjoy protection of the state, the citizen of which he (she) became;

2) may not refuse any more from the enjoyment of protection of the country of his (her) citizenship, as the circumstances on the grounds of which he (she) was recognized as a refugee are changed;

3) forfeited citizenship of his (her) previous state, newly acquired it on a voluntary basis;

4) newly use the protection of country on a voluntary basis, the citizen of which he (she) was;

5) indicate willingness to return in a country of origin, as the grounds of granting to him(her) the refugee's status stopped to carry out;

6) voluntarily returned to the country, which he (she) left or from which left because of danger of persecution;

7) left the country of the Republic of Kazakhstan for the permanent place of residence.

2. The refugee's status shall be also terminated upon the expire of his (her) term upon absence of prolongation.

Article 15. Procedure for appealing against the decision of the competent authority

The decision of the local executive body of the region, the city of republican significance, and the capital to refuse to assign, extend the status of a refugee or to deprive the status of a refugee may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 15 as reworded by Law of the RK No. 351-VI of 29.06.2020 (shall take effect on 01.07.2021); as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 16. Protection of children, willing to win refugee status and refugee children

1. Protection shall be provided as for children, willing to win refugee status and refugee children as arrived without parents or other legal representatives, as in those cases, when the parents and other family members may not be founded, as for other children in the Republic of Kazakhstan, left without parental care in accordance with the legislation of the Republic of Kazakhstan on rights of the child.

2. The refugee certificate shall be issued to the refugee children, being in the territory of the Republic of Kazakhstan without parents or legal representatives.

Article 17. Acquisition of citizenship of the Republic of Kazakhstan

Refugees shall acquire citizenship of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on citizenship.

Article 18. Return and deportation

1. Asylum seekers and refugees must voluntarily leave the territory of the Republic of Kazakhstan together with their family members within one month from the date of the decision of the local executive body of the region, the city of republican significance, and the

capital, the authorized body or court to refuse to grant, extend or deprive a refugee status, as well as on termination of a refugee status.

2. In case of refusal of asylum seekers and refugees to voluntarily leave the territory of the Republic of Kazakhstan, the forced expulsion of asylum seekers and refugees shall be carried out by the internal affairs bodies in accordance with the legislation of the Republic of Kazakhstan and in pursuance of court decisions that have entered into force.

Return and deportation of persons, seeking refuge and refugees to the frontiers of the country, wherein their life and freedom are endanger on grounds of race, nationality, religion, citizenship, affiliation to particular social group or political opinions shall be prohibited.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 19. Financial assurance

Expenditure financing, linked with the refugees in the Republic of Kazakhstan, shall be carried out at the expense of the budget funds and other sources, not contradicted to the legislation of the Republic of Kazakhstan.

Article 20. Responsibility for violation of the legislation of the Republic of Kazakhstan on refugees

Violation of the legislation of the Republic of Kazakhstan on refugees shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Refugees and asylum seekers who have committed criminal or administrative offences in the territory of the Republic of Kazakhstan shall be held liable under the same conditions as citizens of the Republic of Kazakhstan, except in cases stipulated by ratified international treaties of the Republic of Kazakhstan.

Footnote. Article 20 as amended by Law of the RK No. 227-V of 03.07.2014 (shall come into force on 01.01.2015).

Article 21. The procedure of introduction into effect of this Law

This Law shall be enforced from 1 January, 2010.

The following shall be suspended until January 1, 2024:

1) sub-paragraph 6) of paragraph 2 of Article 8 of this Law;
2) paragraph 6 of Article 10 of this Law, providing that during the period of suspension this paragraph shall have the following effect:

“6. On the date of registration of the application for refugee status in the Republic of Kazakhstan, the asylum-seeker shall be issued an asylum-seeker's certificate and such a person shall be registered for the period until a decision on his/her application is taken.”;

3) part one of paragraph 1 of Article 11 of this Law, providing that during the period of suspension this part shall have the following effect:

"1. The decision on granting a refugee status shall be made by the local executive body within three months from the date of registration of the application for granting a refugee status.";

4) sub-paragraph 10) of Article 12 of this Law.

Footnote. Article 21 as amended by Law of the RK No. 58-VII of 29.06.2021 (shall take effect on 01.01.2021); dated 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2022 No. 177-VII (shall be enforced from January 1, 2023).

The President

of the Republic of Kazakhstan

N. Nazarbayev

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