

## On Migration

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 22 July 2011 No. 477-IV.

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Footnote. Throughout the text: the words “to oralmans”, “oralman”, “oralmans”, “oralmans”, “oralman”, “by oralmans”, “Oralmans”, “oralmans”, “to Oralmans” and “by oralman” are replaced by words “to kandases”, “kandas”, “kandases”, “kandases”, “kandas”, “by kandases”, “Kandases”, “kandases”, “to Kandases” and “by kandas” correspondingly, in accordance with the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced after the date of entry into force of the relevant amendments and additions to the Code of the Republic of Kazakhstan "On Taxes and Other Obligatory Payments to the Budget" (Tax Code)).

This Law regulates public relations in the field of migration of population, determines legal, economic and social basis of migration processes.

### **Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law**

The following basic definitions shall be used in this Law:

1) the "Atazholy" card is a document of the established form issued to business immigrants or persons with in-demand professions from among ethnic Kazakhs for up to ten years, but not more than the validity period of the passport of the country of citizenship in accordance with the procedure established by the authorized body on migration issues;

1-1) former compatriot – a person born or previously held the citizenship of the Kazakh Soviet Socialist Republic or the Republic of Kazakhstan and permanently residing abroad;

2) adaptation and integration services – set of services (information, legal, social, medical and educational) rendered to oralmans and their family members for the purpose of adaptation and integration to society;

3) permit to enter and exit (hereinafter referred to as a visa) - a note of the authorized state bodies of the Republic of Kazakhstan in the migrant's passport or a document replacing it, or a note of the authorized state bodies of the Republic of Kazakhstan in the information system that gives the right to enter the territory of the Republic of Kazakhstan, travel through its territory, stay in it and leave the territory of the Republic of Kazakhstan for a while, for the purposes and on the conditions established in the visa;

4) labour migration – temporary transfer of individuals from other states to the Republic of Kazakhstan and from the Republic of Kazakhstan, as well as within the state for carrying out of labour activity;

4-1) permit to labour immigrant – standard type document issued to labour immigrant by internal affairs bodies for performance of works (rendering of services) of employers – individuals in housekeeping;

4-2) private employment agency – an individual or legal entity providing labor mediation, registered in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

5) illegal immigration – entry into Republic of Kazakhstan and stay of foreign persons and stateless persons in the Republic of Kazakhstan with violation of the legislation of the Republic of Kazakhstan regulating the procedure for entry and stay, as well as travel in transit within the territory of the Republic of Kazakhstan;

6) illegal immigrant – foreign person or stateless person entered into Republic of Kazakhstan and stayed in the Republic of Kazakhstan with violation of the legislation of the Republic of Kazakhstan, regulating the procedure of entry and stay, as well as transit travel through the territory of the Republic of Kazakhstan;

6-1) intra–corporate transfer - a temporary transfer, for a period determined by an employment contract, but not more than three years, with the right to extend for one year, of a foreigner or a stateless person engaged in labor activity as a head, manager or specialist in a legal entity established on the territory of the country – a member of the World Trade Organization located and operating outside the territory of the Republic of Kazakhstan, to branches, subsidiaries, representative offices of this legal entity established on the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

7) immigration – entry of foreign persons or stateless persons into Republic of Kazakhstan for temporary or permanent residence;

8) immigrant – foreign person or stateless person arrived to the Republic of Kazakhstan for temporary or permanent residence;

9) migration – permanent or temporary, voluntary or compulsory transfer of individuals from one state to another, as well as within the state;

10) migrant – a person entered into Republic of Kazakhstan and left from the Republic of Kazakhstan, as well as migrating within the Republic of Kazakhstan independently from the reasons and time duration;

10-1) the accepting person – the citizens of the Republic of Kazakhstan, the foreigner and the person without citizenship who are the residents in the Republic of Kazakhstan, or the legal entity registered in the Republic of Kazakhstan, petitioning for the invitation of immigrants to the Republic of Kazakhstan for temporary residence and (or) providing the place for their accommodation;

11) foreign establishments of the Republic of Kazakhstan – diplomatic representatives and those equated to them being abroad, as well as consular institutions of the Republic of Kazakhstan;

12) The immigrant is the internal migrant moving in regions, defined by the Government of the Republic of Kazakhstan;

12-1) regional quota for acceptance of migrants – the maximum number of migrants or displaced persons and their family members arriving for permanent residence in the regions determined by the Government of the Republic of Kazakhstan, which are provided with state support measures provided for participants in active measures to promote employment in accordance with the Social Code of the Republic of Kazakhstan;

13) candas - an ethnic Kazakh and (or) members of his family of Kazakh nationality who were not previously citizens of the Republic of Kazakhstan, who received the appropriate status in accordance with the procedure established by the authorized body on migration issues;

13-1) the center of adaptation and integration of oralman – the legal entity established by local executive body of areas, cities of republican value, the capital according to the legislation of the Republic of Kazakhstan and intended for rendering to oralmans, members of their families of adaptation and integration services and temporary residence;

13-2) regional quota for acceptance of candases – the maximum number of candases or candases and their family members arriving for permanent residence in the regions determined by the Government of the Republic of Kazakhstan, who are provided with state support measures provided for participants of active measures to promote employment in accordance with the Social Code of the Republic of Kazakhstan;

13-3) the information database about oralman, ethnic Kazakhs – a data set about ethnic Kazakhs, oralman and members of their families, their movements across the territory of the Republic of Kazakhstan and also the measures given them the state support;

13-4) the certificate of compliance of qualification for independent employment – the document of the established form issued in the order determined by authorized body concerning population shift, to the foreign worker conforming to requirements of qualification and education level for independent employment in the Republic of Kazakhstan by the majors demanded in priority branches of economy (types of economic activity);

13-5) readmission – transfer (return) in accordance with an international treaty ratified by the Republic of Kazakhstan, by the competent authorities of one state and acceptance by the competent authorities of another state of persons who have entered or are in the territory of one state in violation of the legislation on entry, exit, stay or residence of foreigners and stateless persons;

14) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

15) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

16) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (

shall be enforced upon expiry of ten calendar days after the date of its first official publication );

17) permit for permanent residence - document issued by internal affairs bodies to foreigners and stateless persons in compliance with requirements established by the legislation of the Republic of Kazakhstan, and granting them right to permanent residence in the territory of the Republic of Kazakhstan;

17-1) the place of temporary stay (accommodation) – having the address, the room or the dwelling which is not the residence and in which the person stays (lives) temporarily;

18) temporary accommodation centre – dwelling place intended for temporary residence of ethnic Kazakhs and immigrants as well as their family members;

19) temporary residence permit - a document issued by the internal affairs bodies to immigrants in compliance with the requirements established by the legislation of the Republic of Kazakhstan, and granting them the right to reside for a certain period in the territory of the Republic of Kazakhstan, depending on the purpose of stay;

19-1) is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 No. 141-VII (shall come into effect ten calendar days after the day of its first official publication);

20) authorized agency on the issues of migration of population – central executive authority carrying out management in the field of migration, regulation of migration processes , coordination of work and implementation of state policy in the field of migration of population within its competence;

20-1) is excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

21) inviting person – a person residing in the Republic of Kazakhstan and assisting the entry of his (her) family members into Republic of Kazakhstan for the purpose of family reunification in accordance with this Law;

22) quota on engagement of foreign working power – quantity of foreign working power engaged for carrying out of labour activity in the territory of the Republic of Kazakhstan;

23) permit for engagement of foreign working power – standard type document issued by local executive body to employee for engagement of foreign working power in the Republic of Kazakhstan;

24) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced dated 01.07.2017);

25) internal migration – resettlement of individuals within the Republic of Kazakhstan for the purpose of permanent or temporary residence;

26) internal migrant is a settler or person migrating within the Republic of Kazakhstan on an independent basis for the purpose of permanent or temporary residence;

27) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

28) ethnic Kazakh – foreign person or stateless person of Kazakh nationality.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 No. 15-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 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.10.2015 № 365-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.11.2015 № 421-V (order of enforcement see subparagraph 1) of the paragraph 1 of the article 2); dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 22.12.2016 № 28-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 14.07.2022 No. 141-VII (shall come into effect ten calendar days after the day of its first official publication); dated 26.12.2022 No. 168-VII (effective sixty calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

## **Article 2. Legislation of the Republic of Kazakhstan in the field of migration of population**

1. Legislation of the Republic of Kazakhstan in the field of migration of population is based on the Constitution of the Republic of Kazakhstan and consists of this Law, other regulatory legal acts.

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

## **Article 3. Main types of migration**

Depending on the purpose of entry into the territory of the Republic of Kazakhstan and stay in the territory of the Republic of Kazakhstan, the following main types of immigration shall be distinguished:

- 1) for the purpose of return to historical homeland;
- 2) for the purpose of family reunification;
- 3) for the purpose of receipt of education;
- 5) on humanitarian and political motives.

## **Article 4. Basic principles and tasks of state policy in the field of migration of population**

1. State policy in the field of migration of population is based on the following basic principles:

- 1) recognition and guaranteeing of rights and freedoms of migrants in accordance with the Constitution of the Republic of Kazakhstan, Laws and international treaties;
- 2) protection of national interests and provision of the national security;
- 3) combination of interests of a person, society and state;
- 4) accountability of regulating the migration processes on the basis of updating and repetition of used information;
- 5) differentiated approach of the state to regulation of different types of immigration.

2. Main tasks of the state policy in the field of migration of population are:

- 1) protection of rights and freedoms of migrants;
- 2) organization of rational resettlement of oralmans in recognition of interests of demographic and social-economic development of regions;
- 3) engagement of highly qualified foreign working power for carrying out of labour activity in the Republic of Kazakhstan;
- 4) protection of internal labour market by setting quotas of engaging the foreign working power;
- 5) ensuring of integration of Kazakhstan into international labour market;
- 6) development of cooperation of the Republic of Kazakhstan with other states for the purposes of prevention and avoidance of conflicts that may lead to mass migration of population;
- 7) optimization of streams of internal migration, ensuring of rational resettlement within the territory of country;
- 8) maintenance and development of mutual relations with former compatriots and ethnic Kazakhs residing abroad, as well as in the field of cultural cooperation and information support;
- 9) assistance to ethnic Kazakhs in resettlement in historical homeland;
- 10) international cooperation in the scope of regulation of migration processes, prevention and suppression of illegal migration.

#### **Article 5. Rights and obligations of immigrants**

1. Immigrants in the Republic of Kazakhstan shall have the right to:

- 1) use the rights and freedoms established for citizens of the Republic of Kazakhstan unless otherwise provided by the Constitution, Laws and international treaties;
- 2) education, medical care and social assistance in the manner established by the legislation of the Republic of Kazakhstan;
- 3) free movement within the territory of the Republic of Kazakhstan opened for visiting of immigrants;

4) free choice of the place of residence in the manner established by the legislation of the Republic of Kazakhstan;

5) go in court and state bodies for protection of property and personal non-property rights belonged to them;

6) receipt of paid adaptation and integration services in adaptation and integration centres for oralmans, with the exception of oralmans and their family members receiving these services on a gratuitous basis.

2. Immigrants in the Republic of Kazakhstan shall:

1) bear obligations established for citizens of the Republic of Kazakhstan, unless otherwise provided by the Constitution, Laws and international treaties;

2) be obliged to comply with the Constitution and legislation of the Republic of Kazakhstan, as well as with established procedure for entry, leave and stay in the territory of the Republic of Kazakhstan.

#### **Article 6. General conditions for entry, leave and stay of immigrants**

1. The procedure for entry, departure and stay of immigrants in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan.

The specifics of the entry, departure and stay of immigrants for carrying out of activities in the international technology park "Astana Hub", including exercise of labor activities, shall be determined by the Law of the Republic of Kazakhstan "On informatization".

2. Immigrants arrived from the states that concluded the agreements with the Republic of Kazakhstan on visa-free procedure for entry and stay, shall enter according to valid passports or documents substituting them in compliance with conditions established by international treaties of the Republic of Kazakhstan.

3. Entry visas into Republic of Kazakhstan and visas for leave from the Republic of Kazakhstan shall be issued to immigrants by foreign establishments of the Republic of Kazakhstan in coordination with body of national security.

Visas for leave from the Republic of Kazakhstan and entry visas into Republic of Kazakhstan to immigrants being in the territory of the Republic of Kazakhstan shall be issued by internal affairs bodies.

4. Immigrants are obliged to leave the Republic of Kazakhstan before the expiration of the visa.

The period of temporary stay of an immigrant in the Republic of Kazakhstan who arrived in the Republic of Kazakhstan in a manner that does not require a visa cannot exceed thirty calendar days from the date of crossing the State Border of the Republic of Kazakhstan, in total ninety calendar days within each period of one hundred and eighty calendar days, if otherwise the order is not established by the agreement of the Republic of Kazakhstan with the relevant party or the Government of the Republic of Kazakhstan.

The requirements provided for in part two of this paragraph do not apply to immigrants who have received, in the manner determined by the Government of the Republic of Kazakhstan, a temporary residence permit in the Republic of Kazakhstan.

Immigrants who have received a temporary residence permit are required to leave the Republic of Kazakhstan before the end of its validity.

Registration of immigrants is carried out by the internal affairs bodies on the basis of information from the host persons, as well as the National Security Committee of the Republic of Kazakhstan, coming from checkpoints across the State border of the Republic of Kazakhstan. Host persons are obliged to inform the internal affairs bodies about immigrants staying with them within three working days from the date of their arrival.

**Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 No. 15-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 24.10.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 04.07.2018 No. 174-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2); dated 16.11.2020 No. 375-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Article 6-1. Obtaining a temporary residence permit in the Republic of Kazakhstan**

A temporary residence permit is issued on the basis of applications from:

- 1) individuals to whom immigrants arrived for the purpose of family reunification;
- 2) individuals and legal entities who have entered into an employment contract with an immigrant in the manner prescribed by law;
- 3) educational organizations implementing educational programs of general secondary, technical and vocational, post-secondary, higher and postgraduate education, including on the organized exchange programs for students and preparatory courses that enrolled immigrants for full-time training;
- 4) health care organizations in which immigrants are hospitalized;
- 5) religious organizations in which immigrants carry out missionary activities in the manner prescribed by law;
- 6) local executive bodies - immigrants who arrived for the purpose of carrying out entrepreneurial activities in accordance with the legislation of the Republic of Kazakhstan (business immigrants).

The persons specified in part one of this article are obliged to inform the internal affairs bodies about the immigrants staying with them within three days.



Footnote. Chapter 1 is supplemented with article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see article 2)

## **Article 7. Obtaining permission to full-time residence in the Republic of Kazakhstan**

Footnote. Article 7 heading in edition of the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon ten calendar days after day of its first official publication).

Foreigners and stateless persons temporarily staying in the Republic of Kazakhstan with a permanent residence visa or arriving from states that have concluded agreements with the Republic of Kazakhstan on visa-free entry and stay, or those having refugee status in the Republic of Kazakhstan, as well as ethnic Kazakhs, regardless of the category of visas issued to them apply to the internal affairs bodies to obtain a permanent residence permit. Immigrants who have applied for a permanent residence permit in accordance with the procedure established by law receive a temporary residence permit for the period necessary to consider the application, but not more than ninety calendar days.

Legal status of the persons specified in a part of the second present article is defined by the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 421-V (shall be enforced upon ten calendar days after day of its first official publication); dated 22.12.2016 № 28-VI (shall be enforced upon ten calendar days after day of its first official publication); dated 11.07.2017 № 91-VI (shall be enforced ten upon alendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2).

## **Chapter 2. STATE MANAGEMENT SYSTEM OF MIGRATION PROCESSES OF POPULATION IN THE REPUBLIC OF KAZAKHSTAN**

### **Article 8. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan:

1) develops the main directions of state policy in the field of population migration and organizes its implementation;

2) determines the procedure for the entry and stay of immigrants in the Republic of Kazakhstan, as well as their departure from the Republic of Kazakhstan.

Footnote. Article 8 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 8-1. Competence of authorized body on the issues of formation of state policy in the field of migration of population**

Footnote. Chapter 2 is supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); is excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 9. Competence of internal affairs bodies**

Internal affairs bodies shall:

1) implement state policy in the field of migration of population within the competence;  
2) in agreement with the National Security Committee of the Republic of Kazakhstan, determine the procedure for the provision of information by host persons about immigrants staying with them, as well as transit travel of foreigners and stateless persons on the territory of the Republic of Kazakhstan;

2-1) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2);

3) form common data base of accounting of entry and leave of foreign persons and stateless persons, ensure system updating of details, as well as carry out well-timed information exchange with authorized body on the issues of migration of population, Ministry of Foreign Affairs of the Republic of Kazakhstan and body of the national security;

4) give out, cancel, restore visas of the Republic of Kazakhstan and also prolong and reduce terms of their action or according to the legislation of the Republic of Kazakhstan make decisions on refusal in issue of visas of the Republic of Kazakhstan to the foreigners and persons without citizenship who are in the territory of the Republic of Kazakhstan;

4-1) make out invitations to entry of foreigners into the Republic of Kazakhstan on private affairs, accept and agree on invitations of the accepting persons on issue of visas of the Republic of Kazakhstan;

5) keep records of foreigners and stateless persons;

5-1) is excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 No. 95-VII (shall come into effect ten calendar days after the day of its first official publication);

5-2) monitor the migration processes;

5-3) is excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 No. 95-VII (shall come into effect ten calendar days after the day of its first official publication);

6) control compliance with established rules for entry into Republic of Kazakhstan, leave from the Republic of Kazakhstan, stay in the Republic of Kazakhstan and travel in transit through the territory of the Republic of Kazakhstan by immigrants;

6-1) control timely departure out of borders of the Republic of Kazakhstan of immigrants concerning whom the judicial act of exclusion is taken out;

6-2) excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 No. 95 -VII (shall come into effect ten calendar days after the day of its first official publication);

7) take measures on suppression of illegal immigration;

7-1) ensure the fulfillment of obligations arising from international treaties on readmission, ratified by the Republic of Kazakhstan;

8) take decisions on reduction of the term of staying in the Republic of Kazakhstan by immigrants in accordance with the legislation of the Republic of Kazakhstan;

9) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

10) determine procedure for issuance and issue admission for temporary and permanent residence in the Republic of Kazakhstan;

11) take decisions on assignment of refugee status;

11-1) make a decision to determine the legal status of persons located on the territory of the Republic of Kazakhstan, who are not citizens of the Republic of Kazakhstan and do not have proof of their belonging to the citizenship of another state;

12) draw up documents for leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence;

13) take decisions on refusal in representing admissions to citizens of the Republic of Kazakhstan for leave from the Republic of Kazakhstan for permanent place of residence in accordance with the legislation of the Republic of Kazakhstan;

13-1) determine the procedure for documenting and registering the population;

14) carry out accounting and registration of citizens of the Republic of Kazakhstan;

15) carry out registration at the place of residence and deregistration of citizens of the Republic of Kazakhstan;

16) carry out registration of the citizens of the Republic of Kazakhstan arriving to the place of temporary stay (accommodation);

16-1) excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 No. 95-VII (shall come into effect ten calendar days after the day of its first official publication);

17) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.11.2015 № 421-V (shall be enforced upon ten calendar days after day of its first official publication); dated 22.12.2016 № 28-VI (shall be enforced ten

calendar days after day of its first official publication); dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated December 30, 2021 No. 95-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 10. Competence of the Ministry of Foreign affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan**

Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan shall:

1) implement the state policy in the field of migration of population within its competence ;

1-1) together with the Ministry of Internal Affairs of the Republic of Kazakhstan in coordination with Committee of national security of the Republic of Kazakhstan define an order of execution of invitations, coordination of invitations to entrance of foreigners and persons without citizenship to the Republic of Kazakhstan, deliveries, cancellation, recovery of visas of the Republic of Kazakhstan and also extension and reduction of terms of their action;

2) assist in distribution of information abroad on the state policy of the Republic of Kazakhstan in the field of migration of population;

3) assist in development of connections and contacts with former compatriots and ethnic Kazakhs;

4) form common data base of accounting of issuing the entry visas to foreign persons and stateless persons, ensure systematic updating of details, as well as carry out well-timed information exchange with internal affairs bodies and bodies of the national security;

4-1) accept and agree on invitations of Foreign Ministries, the diplomatic and equated to them representations, consular establishments of the foreign states, the international organizations and their representations;

4-2) give out, cancel, restore visas of the Republic of Kazakhstan and also prolong and reduce terms of their action or according to the legislation of the Republic of Kazakhstan make decisions on refusal in issue of visas of the Republic of Kazakhstan to foreigners and persons without citizenship;

5) inform the ethnic Kazakhs who showed willingness voluntarily to move to the Republic of Kazakhstan, about entrance conditions, including to the regions determined by

the Government of the Republic of Kazakhstan within regional quotas of reception of oralman, conditions of reception and measures of social support;

5-1) accept, register the documents of immigrants, including ethnic Kazakhs, who have applied for entry to the Republic of Kazakhstan, including applicants for the "Atazholy" card, send them to the authorized body on migration issues, issue visas to enter the Republic of Kazakhstan for permanent residence;

6) carry out international cooperation in the field of migration of population within its competence;

7) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

**Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.12.2013 № 153-V (shall be enforced upon ten calendar days after day of its first official publication); dated 24.11.2015 № 421-V (shall be enforce upon ten calendar days after day of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

#### **Article 11. Competence of authorized body on the issues of migration of population**

Authorized body on the issues of migration of population shall:

1) forms and implements the state policy in the field of population migration;

1-1) implement the state policy in the field of migration of population within the competence;

2) is excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI ( shall be enforced upon expiry of ten calendar days after its first official publication);

3) provide methodological guidance to local executive agencies in the field of migration of population;

4) establishes a quota for involvement of foreign labor and distributes it among regions, cities of the republican significance, the capital;

4-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication);

4-2) establishes a regional quota of reception of kandases and immigrants for the forthcoming year and distributes it among the regions, cities of republican significance, the capital;

4-3) carries out monitoring of realization of a regional quota of reception of oralman and immigrants;

4-4) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

4-5) defines an order of inclusion in a regional quota of reception of oralman and immigrants;

5) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

5-1) forms the centralized database of foreign workers, creates the information system " Foreign Labour" and provides their interaction with information systems of the appropriate authorized public authorities;

5-2) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

6) provide social security of migrants in accordance with the legislation of the Republic of Kazakhstan;

6-1) approve the list of professions in demand for foreigners to obtain a permit for permanent residence in the Republic of Kazakhstan and the procedure for its formation;

6-2) carries out interdepartmental coordination on the protection of labor rights of citizens of the Republic of Kazakhstan engaged in labor activities abroad;

7) within its competence, monitor migration processes;

8) is excluded by the Law of the Republic of Kazakhstan dated 16.04.2018 No. 147-VI ( shall be enforced upon expiry of ten calendar days after its first official publication);

9) determine the procedure for assigning or extending oralman status;

9-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication);

9-2) develops and approves the procedure for providing the "Atazholy" card for ethnic Kazakhs living abroad;

10) consider complaints to refusal in assigning or extending of oralman status;

11) determine procedure for activity of the adaptation and integration centres, temporary accommodation centres;

12) forms a single database of migrants and ethnic Kazakhs and ensures interaction with the relevant information systems of the internal affairs bodies, the national security body, the Ministry of Foreign Affairs;

13) control compliance with the legislation of the Republic of Kazakhstan on migration of population within the competence;

14) organize and carry out cooperation with authorized bodies of foreign states and international organizations in the scope of regulation of migration processes within the competence;

14-1) carry out interdepartmental coordination in the field of population migration;

14-2) develop a system of measures in the field of regulation and monitoring of migration processes;

14-3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

14-4) develops and approves the procedure and conditions for issuing or extending permits to employers to attract foreign labor, as well as the implementation of intra-corporate transfer;

14-5) develops and approves the rules for issuing or extending certificates to a foreigner or a stateless person on the compliance of his qualifications for self-employment, a list of priority sectors of the economy (types of economic activity) and in-demand jobs for self-employment of foreigners and stateless persons;

14-6) develops and approves a list of professions for the employment of seasonal foreign workers in coordination with the authorized state bodies that manage the relevant area of public administration;

14-7) approves the rules for establishing quotas for attracting foreign labor to the Republic of Kazakhstan and its distribution between regions, cities of republican significance, the capital;

14-8) determines the procedure for issuing certificates to a foreign employee on compliance with qualifications for self-employment, a list of priority sectors of the economy (types of economic activity) and in-demand jobs for self-employment of foreign workers in coordination with the authorized state bodies that manage the relevant area of public administration;

15) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated December 30, 2021 No. 95-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated December 26, 2022 No. 168-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be

enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

#### **Article 12. Competence of authorized body in the field of health care service**

Authorized body in the field of health care service:

- 1) implement the state policy in the field of migration of population within its competence ;
- 2) approve procedure for medical treatment to immigrants;
- 3) approve the list of diseases, the existence of which prohibits the entry of foreign persons and stateless persons into Republic of Kazakhstan;
- 4) introduce restrictive measures, as well as quarantine in adaptation and integration centres for oralmans, temporary accommodation centres in the manner established by the legislation of the Republic of Kazakhstan;
- 5) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

#### **Article 13. Competence of authorized body in the field of education**

Authorized body in the field of education shall:

- 1) implement the state policy in the field of migration of population within its competence ;
- 2) appropriate educational grants to ethnic Kazakhs and oralmans in accordance with quota for admission for studies in educational organizations of the Republic of Kazakhstan, implementing educational programs of technical and professional education, post-secondary and higher education established by the Government of the Republic of Kazakhstan;
- 3) provide course and teaching materials to ethnic Kazakhs studying in general education institutes abroad in accordance with international treaties, the participant of which is the Republic of Kazakhstan;
- 4) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication).
- 5) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 14. Competence of body of national security**



## 1. Body of national security:

1) implements the state policy in the field of migration of population within its competence;

2) forms a unified database of registration of entry and exit of foreigners and stateless persons, provides systematic updating of information, and also carries out timely information exchange with the internal affairs bodies, the authorized body on migration issues and the Ministry of Foreign Affairs of the Republic of Kazakhstan;

3) coordinates entry of immigrants into Republic of Kazakhstan and separate locations (territories) closed for visiting of foreign persons;

4) coordinates permit to permanent residence of foreigners and stateless persons;

5) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2);

6) agrees on petitions of foreigners and persons without citizenship for inclusion in citizenship of the Republic of Kazakhstan;

7) carries out other functions provided by this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

2. Bodies of national security shall have the right not to explain the reason which formed the basis for refusal in coordination to immigrants of entry into the Republic of Kazakhstan and certain areas (territories) closed for visit by foreigners; to foreigners and stateless persons – permits for permanent residence in the Republic of Kazakhstan, petitions for inclusion in citizenship of the Republic of Kazakhstan.

Footnote. Article 14 in edition of the Law of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 15. Competence of local executive bodies**

1. Local executive bodies of oblasts, cities of republican significance, the capital shall:

1) implement the state policy in the field of migration of population within its competence

;

2) ensure receipt of medical care by oralmans and immigrants in accordance with the legislation of the Republic of Kazakhstan;

3) bring in authorized body concerning population shift of the offer on reference of the respective territories to regions for resettlement of oralman and immigrants;

3-1) bring in the authorized body on migration of population proposals on formation of regional quotas for reception of kandases for the coming year;

4) submit proposals on formation of quota on engagement of foreign working power to authorized body on the issues of migration of population;

5) carry out the accounting and registration of labor migrants with the notification of bodies of national security;

6) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication);

6-1) accept the application with attachment of necessary documents from the ethnic Kazakhs for the assignment or extension of oralman status;

6-2) adopt the statement with the application of necessary documents from ethnic Kazakhs for inclusion in a regional quota of reception of oralman;

6-3) decide on assignment or extension of oralman status;

6-4) make the decision on inclusion in a regional quota of reception of oralman;

6-5) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

6-6) make the decision on inclusion in a regional quota of reception of immigrants;

6-7) create and organize the activities of the Commission for acceptance of candases;

6-8) provide adaptation and integration services to candases and their family members;

6-9) make a decision on provision of the "Atazholy" card;

7) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforce upon expiry of ten calendar days after day of its first official publication);

8) issue certificates of an oralman;

9) create and will organize activity of the centers of adaptation and integration of oralman, the centers of temporary placement;

10) take measures to ensure the rights of children of migrants to education in accordance with the legislation of the Republic of Kazakhstan;

11) within the quota distributed by authorized body on migration of population, give out or extend permits to employers for involvement of foreign labor for implementation of work within their territory and (or) other administrative and territorial units or within the intra-corporate transfer out of a quota and also suspend and withdraw the specified permits;

11-1) issue a certificate on compliance of qualifications for self-employment of foreign workers;

12) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V ( shall be enforced dated 01.01.2017);

13) with the notification of bodies of national security issue the petition on extension or reduction of period of validity of permissions to temporary residence to business immigrants;

13-1) consider and certify invitations of citizens of the Republic of Kazakhstan for resettlement to the Republic of Kazakhstan of relatives from among the ethnic Kazakhs living

abroad for reunion of family of the order determined by authorized body concerning population shift;

14) carry out other powers in behalf of local state administration imposed on local executive bodies by the legislation of the Republic of Kazakhstan.

2. Local executive bodies of districts, cities of oblast significance shall:

1) implement the state policy in the field of migration of population within their competence;

2) provide assistance to candases belonging to target groups of the population in employment, vocational training, retraining and advanced training in accordance with the Social Code of the Republic of Kazakhstan;

3) provide places in schools, kindergartens, as well as in medical and social institutions in the manner established by the legislation of the Republic of Kazakhstan;

4) create conditions to oralmans for learning of Kazakh language, and Russian language at their will;

4-1) for the purpose of family reunification, they accept invitations from citizens of the Republic of Kazakhstan for resettlement to the Republic of Kazakhstan of relatives from among ethnic Kazakhs living abroad, and send these invitations to local executive bodies of regions, cities of republican significance, the capital in accordance with the procedure, determined by the authorized body concerning the migration of population;

4-2) issue, extend and revoke permits to a labour immigrant;

5) carry out other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in behalf of local state administration.

3. excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication).

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); with the amendments made by Laws of the Republic of Kazakhstan dated 27.10.2015 No. 365-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated December 30, 2021 No. 95-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

### **Chapter 3. IMMIGRATION FOR THE PURPOSE OF RETURN TO HISTORICAL HOMELAND Article 16. Quota of immigration of oralmans**

Footnote. Article 16 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

### **Article 17. Categories of oralmans**

Footnote. Article 17 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

### **Article 17-1. Categories of oralman**

Footnote. Chapter 3 is supplemented with Article 17-1 according to the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 18. The procedure for applying to assignment or extension of oralman status and (or) the inclusion into the regional quota of oralmans reception**

Footnote. Article 18 excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 19. Commission on inclusion of immigration of oralmans to quota**

Footnote. Article 19 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

### **Article 19-1. Regional quota of kandas reception**

The regional quota of reception of kandas is established for the forthcoming year by the authorized body concerning the migration of population on the basis of proposals from local executive bodies of regions, cities of republican significance, the capital and applications received through foreign institutions of the Republic of Kazakhstan from ethnic Kazakhs and kandas who wish to move to the regions, determined by the Government of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented with Article 19-1 according to the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 19-2. Commission for acceptance of candases**

To consider applications of ethnic Kazakhs for the assignment or extension of the status of candas, and in the regions of settlement, additionally for inclusion in the regional quota for acceptance of candases by local executive bodies of regions, cities of republican significance, the capital, a Commission for acceptance of candases (hereinafter referred to as the Commission) is being established, which includes deputies of maslikhats, representatives of state bodies and public organizations.

Footnote. Chapter 3 is supplemented with Article 19-2 according to the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (becomes effective after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 20. Grounds for refusal to assign and extend the status of candas and (or) inclusion in the regional quota of acceptance of candases**

The local executive body refuses to assign and extend the status of candas and (or) inclusion in the regional quota of acceptance of candases on the following grounds:

- 1) non-compliance of applicants with the conditions established by subparagraph 13) of Article 1 of this Law;
- 2) establishing the unreliability of documents submitted by an ethnic Kazakh to receive a public service, and (or) the data (information) contained therein;
- 3) the presence of compromising information about the commission by an ethnic Kazakhs applying for the status of candas and (or) inclusion in the regional quota of acceptance of candases, of offenses on the territory of the Republic of Kazakhstan and other information about their belonging to terrorist or extremist organizations;
- 4) lack of consent of an ethnic Kazakh, submitted in accordance with Article 8 of the Law of the Republic of Kazakhstan "On personal data and their protection", for access to restricted personal data;
- 5) the absence of a regional quota for acceptance of candases in a territorial-administrative unit or refusal of an ethnic Kazakh from a territorial-administrative unit offered for settlement

Footnote. Article 20 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

**Article 21. Assignment or extension of the oralman status and (or) inclusion into the regional quota of reception oralmans, ethnic Kazakhs that independently entered the territory of the Republic of Kazakhstan**

Footnote. Article 21 is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

**Article 21-1. Features of inclusion in a regional quota of reception of oralman of certain members of families of ethnic Kazakhs**

1. Within calendar year the regional quota of reception of kandas joins the members of the family of a kandas who arrived later inclusions of family in a regional quota of reception of kandas and also the children who were born in the Republic of Kazakhstan before obtaining citizenship of the Republic of Kazakhstan by their parents.

2. Candases residing in the territory of the Republic of Kazakhstan may apply to local executive bodies with an application for inclusion of their family members in the regional quota of acceptance of candases and have the right to be included in it in accordance with the procedure determined by the authorized body on migration issues.

3. If oralmanam are not specified as a part of their families the children having the family, then members of the family of children join in a regional quota of reception of oralman in family composition of oralman only in cases of death of children of the oralman having the family, deprivations of their parental rights or acquisition of citizenship of the Republic of Kazakhstan by them.

At the same time for inclusion in a regional quota of reception of oralman of minor members of the family of children of the oralman having the family in cases of their death or deprivation of the parental rights of an oralmana (the spouse (spouse) of an oralman) are obliged to be their trustee (trustee).

Footnote. Chapter 3 is supplemented with Article 21-1 according to the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication).

**Article 22. Special aspects of including separate family members of ethnic Kazakhs into quota of immigration**

Footnote. Article 17 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 23. Benefits and other types of social assistance provided to oralmans, ethnic Kazakhs and their family members**

**Footnote. The headline of the article 23 in the wording of the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication).)**

1. Ethnic Kazakhs and family members arriving in regions determined by the Government of the Republic of Kazakhstan for resettlement of oralmans shall be released from confirmation of own paying capacity upon receipt of permit for permanent residence in the Republic of Kazakhstan.

2. Persons that received the status of oralman and their family members shall be provided by:

1) gratuitous adaptation and integration services in adaptation and integration centres for oralmans;

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

3) places in schools and kindergartens equally with citizens of the Republic of Kazakhstan, possibility of obtaining education in accordance with allocated quota on admission in educational organizations of technical and professional, post-secondary and higher education in amount determined by the Government of the Republic of Kazakhstan;

4) social protection equally with citizens of the Republic of Kazakhstan;

5) assistance in employment in accordance with the legislation of the Republic of Kazakhstan.

3. Land plots on the basis of the right of temporary land use shall be granted to kandases for personal subsidiary farming, gardening, summer cottage construction in accordance with the land legislation of the Republic of Kazakhstan.

4. Local executive bodies can establish the lump sums including compensation of costs of journey to the permanent residence and transportation of property, to oralmana and the members of their families who moved to the Republic of Kazakhstan out of a regional quota of reception of oralman. The order and terms of payment of grants approve akimats of areas, cities of republican value, the capital on the basis of the standard rules approved by authorized body concerning population shift.

4-1. Ethnic Kazakhs and members of their families who have received the status of candas and (or) are included in the regional quota for acceptance of candases, upon entering the territory of the Republic of Kazakhstan, are exempt from paying customs duties on property for personal use, including vehicles, in accordance with an international agreement and (or) customs legislation of the Republic of Kazakhstan.

4-2. Candases and their family members included in the regional quota of acceptance of candases are provided with state support measures provided for participants of active

measures to promote employment in accordance with the Social Code of the Republic of Kazakhstan.

5. Oralman and to the members of their families included in a regional quota of reception of oralman except the measures of the state support provided by the present article the right to a consumer loan and mortgage loan for construction of housing is granted.

5-1. In case of death of oralman or members of their families after their inclusion in a regional quota of reception of oralman of a measure of the state support it are provided to oralmana or family members irrespective of obtaining citizenship of the Republic of Kazakhstan by them.

6. The candases are obliged to reimburse the budget expenses incurred ahead of schedule in full for the provision of state support measures received by them within the framework of active employment promotion measures in accordance with the Social Code of the Republic of Kazakhstan, in the following cases:

independent departure for permanent residence by his own will outside the region of his settlement within five years from the date of obtaining the status of candas;

refusal to acquire citizenship of the Republic of Kazakhstan.

**Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); with the amendments made by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 04.05.2018 No. 151-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

#### **Article 24. Adaptation and integration of oralmans**

1. In regions determined by the government of the Republic of Kazakhstan for resettlement of oralmans, the primary resettlement of ethnic Kazakhs and their family members shall be carried out at their will in temporary accommodation centres before assignment of status of oralman in the manner and within terms that shall be determined by authorized body on the issues of migration of population.

2. For rendering of adaptation and integration services, adaptation and integration centres for oralmans shall be created.

Procedure and terms for residence of oralmans and their family members in adaptation and integration centres for oralmans, as well as procedure for rendering of adaptation and integration services to them shall be determined by authorized body on the issues of migration population.



Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 25. Termination of the status of candas and validity of the Atazholy card**

1. The status of candas is terminated:

- 1) after obtaining citizenship of the Republic of Kazakhstan by candas;
- 2) in case of refusal to issue or cancellation of a permanent residence permit in the Republic of Kazakhstan on the grounds provided for in Article 49 of this Law;
- 3) after one year from the date of obtaining the status of candas.

2. The validity of the Atazholy card is terminated:

- 1) after receiving the citizenship of the Republic of Kazakhstan by the holder of the "Atazholy" card;
- 2) in case of refusal to issue or cancellation of a permanent residence permit in the Republic of Kazakhstan on the grounds provided for in Article 49 of this Law;
- 3) after ten years, but not more than the validity period of the passport of the country of citizenship.

Footnote. Article 25 - as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

#### **Article 25-1. Grounds for refusal to provide the "Atazholy" card**

The local executive body refuses to provide the "Atazholy" card on the following grounds :

- 1) non-compliance of applicants with the conditions established by subparagraph 28) of Article 1 of this Law;
- 2) the presence of compromising information about the commission of offenses on the territory of the Republic of Kazakhstan by ethnic Kazakhs applying for the "Atazholy" card and other information about their belonging to terrorist or extremist organizations;
- 3) the lack of consent of an ethnic Kazakh, provided in accordance with Article 8 of the Law of the Republic of Kazakhstan "On personal data and their protection", for access to restricted personal data.

Footnote. Chapter 3 is supplemented by Article 25-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

#### **Article 26. Rights and obligations of oralmans**

1. Oralmans and their family members shall have the right to:

- 1) receipt of citizenship of the Republic of Kazakhstan in simplified (registration) manner;
- 2) benefits, compensations and other types of social assistance established by the legislation of the Republic of Kazakhstan;

3) correct statement of first name, patronymic (in its existence) and last name in Kazakh language after acquisition of citizenship of the Republic of Kazakhstan on the basis of available documents;

4) implementation of individual business without formation of legal entity;

5) temporary registration in the centers of adaptation and integration of oralman, the centers of temporary placement in the absence of office or own housing for the term of no more than one year.

2. Oralman and their family members shall be obliged to:

1) provide reliable information to the foreign institutions of the Republic of Kazakhstan, as well as local executive bodies, necessary for consideration of their applications for inclusion in the regional quota of acceptance of candidates;

2) undergo medical examinations upon request of bodies of health care service, receive vaccination, undertake treatment, as well as perform prescriptions of bodies of health care service;

3) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication );

4) excluded by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.10.2015 No. 376-V ( shall be enforced dated 01.01.2016); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Chapter 4. IMMIGRATION FOR THE PURPOSE OF FAMILY REUNIFICATION Article 27.**

##### **Inviting persons and family members of receiving persons**

1. The following persons may be inviting persons:

1) citizens of the Republic of Kazakhstan;

2) ethnic Kazakhs and former compatriots residing temporary in the territory of the Republic of Kazakhstan;

3) immigrants residing permanently in the territory of the Republic of Kazakhstan and business-immigrants.

2. Inviting persons shall have the right to apply on entry of their family members being foreign persons and stateless persons into Republic of Kazakhstan for the purpose of family reunification.

3. Family members of inviting persons entering into Republic of Kazakhstan for the purpose of family reunification may be:

1) husband (wife) being married no less than three years recognized by the legislation of the Republic of Kazakhstan;

2) children, as well as adopted children not attained the age of eighteen years, not married and being in dependence and (or) under trusteeship (guardianship) of an inviting person;

3) children, as well as adopted children older than eighteen years, not married and not able to make provisions to themselves on an independent basis according to reasons linked with health condition;

4) disabled parents being in dependence of an inviting person;

5) other family members the maintenance of which is the obligation of inviting person.

4. The following family members of inviting person shall be allowed to the Republic of Kazakhstan for the purpose of family reunification:

1) all the persons mentioned in paragraph 3 of this Article – if inviting person is the citizen of the Republic of Kazakhstan.

Permit for temporary residence to mentioned persons shall be issued for the term up to three years with the right of the following extension;

2) all the persons mentioned in subparagraphs 1), 2), 3) and 4) of paragraph 3 of this Article, if the inviting person is ethnic Kazakh or former compatriot that received permit for temporary residence (for the term no less than two years).

Permit for temporary residence to mentioned persons shall be issued for the term of validity of the permit for temporary residence of an inviting person;

3) persons mentioned in subparagraphs 1), 2), 3) and 4) of paragraph 3 of this Article, if the inviting person is immigrant residing permanently in the Republic of Kazakhstan, or business-immigrant residing on an continuous basis in the territory of the Republic of Kazakhstan no less than two years.

Permits for temporary residence to family members of inviting person having permit for permanent residence shall be issued for one year with the right of annual extension.

Permits for temporary residence to family members of inviting person being business immigrant shall be issued for one year with possibility of annual extension. By this, permits for temporary residence to family members of inviting person may not exceed the term of validity of permit for temporary residence of inviting person.

5. Immigration for the purpose of family reunification shall not be allowed in respect of family members of the following categories of immigrants being in the territory of the Republic of Kazakhstan:

- 1) for the purpose of receiving education (pupils of general education schools, students and probationers) for the period of study, professional training and (or) probation;
- 2) seasonal foreign employees;
- 3) immigrants on humanitarian motives.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Article 28. Procedure for receipt of entry visa into Republic of Kazakhstan for the purpose of family reunification**

1. Entry visa into Republic of Kazakhstan for the purpose of family reunification shall be issued on the basis of application of an inviting person on family reunification.

2. Family members of inviting person for receipt of entry visa into Republic of Kazakhstan shall file application and the following documents to the foreign establishments of the Republic of Kazakhstan:

- 1) application of inviting person;
- 2) notarized copy of permit for temporary residence of the inviting person, with the exception of citizens of the Republic of Kazakhstan;
- 3) notarized copy of documents certifying identity of inviting person and family members;
- 4) confirmation of availability of money of inviting person for maintenance of each family member in month in amount no less than minimal living wage established by the Law on the republican budget for the corresponding financial year;
- 5) confirmation of availability of dwelling place of inviting person in the territory of the Republic of Kazakhstan, the floor space of which conforms to established minimal standards for each family member, as well as sanitary and other regulations established by the legislation of the Republic of Kazakhstan;
- 6) medical insurance for family members of inviting person;
- 7) notarized copy of documents confirming family relations with inviting person represented by the authorized state bodies of the Republic of Kazakhstan or foreign state;
- 8) document confirming existence or absence of record of conviction for adult family members.

3. Immigrants having the right to residence in the Republic of Kazakhstan for the purpose of family reunification, permits shall be extended by internal affairs bodies in case of termination of effects of circumstances with existence of which the issuance of permits for temporary residence is linked (attainment of major age, death of person requested reunification, dissolution or annulment of marriage, on the basis of which the reunification is made) on the basis of their applications for the period up to six months upon conditions of confirming the existence of required financial means for this provided by subparagraph 4) of paragraph 2 of this Article.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 No. 203-VI (shall be enforced from 01.01.2019).

#### **Article 29. Rights and obligations of immigrants arrived for the purpose of family reunification**

1. Children entered into Republic of Kazakhstan for the purpose of family reunification shall have the right to receive education in the manner established by the legislation of the Republic of Kazakhstan.

2. Immigrants arrived for the purpose of family reunification shall have the right to carrying out of labour activity on the following conditions:

1) family members mentioned in subparagraph 1) of paragraph 3 of Article 27 of this Law , whose inviting persons are citizens of the Republic of Kazakhstan shall carry out labour activity on general conditions with citizens of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

2) family members, whose inviting persons are the persons, listed in subparagraphs 2) and 3) of paragraph 1 of Article 27 of this Law, shall carry out labor activities on the basis of certificates issued by the local executive body to a foreign worker on the qualifications for self-employment, as well as permit to the employer to attract foreign labor within the quota established by the authorized body on migration of population.

3. Immigrants arrived for the purpose of family reunification shall:

1) bear responsibility provided by the Laws of the Republic of Kazakhstan in respect of immigrants stayed in the territory of the Republic of Kazakhstan;

2) be obliged to leave the Republic of Kazakhstan upon completion of the term of validity of permit for temporary residence, if there are no legal grounds for the further stay.

Footnote. Article 29 with the amandments made by the Law Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Chapter 5. IMMIGRATION FOR THE PURPOSE OF RECEIVING EDUCATION Article 30. Immigrants arrived for the purpose of receiving education**

Students admitted to educational organizations implementing educational programs of general secondary, technical and professional, post-secondary, higher and post-graduate education, as well as through organizational exchange programs of students and undergoing of preparatory courses shall relate to immigrants arrived to the territory of the Republic of Kazakhstan for the purpose of receiving education.

#### **Article 31. Conditions for entry of immigrants arrived for the purpose of receiving education**

Immigrants arrived for the purpose of receiving education shall be obliged to:

1) to present proof of their solvency required to pay for accommodation, as well as tuition in accordance with the agreement between the immigrant and the host educational organizations, with the exception of ethnic Kazakhs, in the manner and amounts determined by the authorized body in the field of science and higher education in coordination with the Ministry of Internal Affairs of the Republic of Kazakhstan;

2) represent medical certificate confirming the absence of diseases impeding the receipt of education on elected specialty, and have medical insurance;

3) represent confirmation of existence or absence of record of conviction;

4) represent confirmation on admission to educational institutes and (or) confirm the consent of inviting party on professional training before entry into Republic of Kazakhstan.

**Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 32. Conditions for issuing entry visa to immigrants arrived for the purpose of receiving education**

1. Entry visas to immigrants arrived for the purpose of receipt of education shall be issued by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan with the consent of parents or trustees, guardians on the basis of application of an educational institution or authorized body on the issues of education for the term no more than one year determined on the basis of application of receiving educational organization.

Permit for temporary residence to immigrants arrived for the purpose of receiving education shall be issued by internal affairs bodies on the basis of application of educational institute for the term of education determined on the basis of application of receiving educational organization.

2. Entry visas and permits for temporary residence of immigrants arrived for the purpose of receiving education shall be extended on annual basis by internal affairs bodies for the term required for completion of education, but no more than one year, upon confirmation of receiving educational organization.

3. Receiving educational organizations shall ensure well-timed clarification of the rights and obligations provided by the Laws of the Republic of Kazakhstan to immigrants arrived for the purpose of receiving education, and required conditions for their implementation, as well as bear responsibility established by the Laws of the Republic of Kazakhstan for untimely drawing up of documents for the right to their stay in the Republic of Kazakhstan, movement through the territory of country and to leave from the Republic of Kazakhstan upon expiry of the term of validity of permit for temporary residence.

4. Permits for temporary stay of immigrants arrived for the purpose of receiving education from the states concluded agreements on visa-free procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies in accordance with international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 No. 421-V (shall be enforced (shall be enforced upon expiry of ten calendar days after day of its first official publication)).

### **Article 33. Main rights and obligations of immigrants arriving for the purpose of receiving education**

1. Right to receipt of gratuitous technical and professional, post-secondary, higher and post-graduate education by foreign persons or stateless persons on competition basis in accordance with the state education order shall be determined by international treaties ratified by the Republic of Kazakhstan.

Ethnic Kazakhs arrived to the Republic of Kazakhstan for the purpose of receiving education shall have the right:

1) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2);

2) submission of the petition on full-time residence and about inclusion in citizenship of the Republic of Kazakhstan in the simplified (registration) order.

2. Immigrants arrived for the purpose of receiving education shall:

1) incur obligations provided by the Laws of the Republic of Kazakhstan in respect of immigrants stayed in the territory of the Republic of Kazakhstan;

2) obliged to leave the Republic of Kazakhstan upon completion of the full course of studies and (or) professional training, if there are no legal grounds for the further stay.

Footnote. Article 33 with the amendments made by the Law RK dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2).

## **Chapter 6. IMMIGRATION FOR THE PURPOSE OF CARRYING OUT OF LABOUR**

### **Article 34. Categories of immigrants arriving for the purpose of carrying out of labour activity**

Immigrants arriving for the purpose of carrying out of labor activity shall be divided into the following categories:

1) labour immigrants – immigrants

arrived for self-employment in professions in demand in priority sectors of the economy (types of economic activity involved as employers to implementation of work in the territory of the Republic of Kazakhstan, including arrived within the internal translation;

2) business-immigrants – immigrants arrived for the purpose of carrying out of entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan;

3) seasonal foreign employees – immigrants engaged to work by employers for the period not exceeding one year for performance of seasonal works that are carried out within particular period (season) in virtue of climatic or other natural conditions, according to the list of occupations approved by the authorized body on migration of population in agreement with the authorized state bodies governing the relevant area of public administration;

4) labour immigrants – immigrants arrived to the Republic of Kazakhstan as domestic employees for the purpose of performance of works (rendering of services) for employers – individuals in home economics on the basis of permit to labour immigrant.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.10.2015 No. 365-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 24.11.2015 No. 421-V (shall be enforced 01.01.2017); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Article 35. Conditions for entry of foreign employees**

The foreign workers arriving for independent employment or involved by employers including within the internal translation, are obliged:

1) be adult;

2) **excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017);**

3) have education, qualification and experience required for performance of coming work;

4) represent confirmation of existence or absence of record of conviction;

5) represent medical certificate confirming absence of diseases impeding the labour activity on elected specialty;

6) have medical insurance covering primary health care and specialized medical care in inpatient conditions in an emergency form on the terms determined by the agreement of the parties, in compliance with the minimum requirements established by the laws of the Republic of Kazakhstan.

**Footnote. Article 35 with the amendments made by laws of the Republic of Kazakhstan dated 27.10.2015 No. 365-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 16.11.2015 No. 406-V (shall be enforced dated 01.01.2018 ); dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 36. Conditions for issuing entry visas to foreign employees**



1. Entry visas to foreign employees shall be issued by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan on the basis and for the term of validity of employment authorization issued to foreign employee or permit to employer for engagement of foreign working power.

2. excluded by the Law of Republic of Kazakhstan dated 24.11.2015 № 422-V (shall be enforced dated 01.01.2016).

3. Permit for temporary residence to foreign employees arrived from the states concluded the agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies in accordance with international treaties ratified by the Republic of Kazakhstan.

4. Entry visas and permits for temporary residence to foreign employees shall be extended by internal affairs bodies for one year in existence of employment authorization of foreign employee or permit of employer for engagement of foreign working power for the coming year.

5. Entry visas to foreign employees of public authorities are given by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign institutions of the Republic of Kazakhstan on the basis and for period of validity of the employment contract with the appropriate public authority.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 No. 365-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 23.11.2015 No. 417-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 24.11.2015 No. 422-V (shall be enforced dated 01.01.2016); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication).

#### **Article 36-1. Quota for attracting foreign labor**

1. In order to protect the internal labor market, the authorized body on migration issues establishes a quota for attracting foreign labor to carry out labor activity on the territory of the Republic of Kazakhstan.

2. The provisions of this Law on quotas for foreign labor and the issuance of permits to employers to attract foreign labor do not apply to foreigners and stateless persons:

1) working in autonomous educational organizations, their organizations, as well as in the "Nazarbayev Foundation" as managers and specialists with higher education;

2) working in state bodies with confirmed documents in accordance with the procedure established by the Government of the Republic of Kazakhstan;

3) working in organizations of the Republic of Kazakhstan that have concluded investment contracts for the implementation of an investment priority project in accordance with the legislation of the Republic of Kazakhstan on investments, as well as working in organizations engaged by these legal entities (or their contractors) as a general contractor,

contractor, subcontractor or service provider in the field of architectural, urban planning and construction activities (including survey and design activities, engineering services), for a period up to one year after the commissioning of the object of investment activity as managers and specialists with higher education, and as the qualified workers according to the list of professions and number that are defined in investment contracts for the implementation of the investment priority project;

4) working in legal entities that are participants of special economic zones, with projects worth more than one million monthly calculation indices, as well as in organizations engaged by the specified participants of special economic zones (or their contractors) as a general contractor, contractor, subcontractor or service provider, during the period of construction and installation works on the territory of special economic zones and before the expiration of one year after the commissioning of the object (objects) according to the list of categories and number, which are determined by a commission of representatives of the authorized body for employment of the population, interested central state bodies in the manner approved by a joint decision of the authorized body for employment of the population and the central executive body carrying out state regulation in the field of creation, functioning and abolition of special economic and industrial zones;

5) those who arrived for self-employment in professions in demand in priority sectors of the economy (types of economic activity);

6) permanently residing in the Republic of Kazakhstan;

7) working as the first heads of branches or representative offices of foreign legal entities;

8) provided for by the list of persons determined by the Government of the Republic of Kazakhstan, for whom permits of local executive bodies are not required to attract foreign labor to carry out labor activities;

9) working in the Astana Hub International Technology Park or with participants of the Astana Hub International Technology Park as managers and specialists with higher education.

3. The provisions of this Law on the annual quota for foreign labor do not apply to foreigners or stateless persons engaged in labor activity on the territory of the Republic of Kazakhstan within the framework of intra-corporate transfer.

4. The quota for attracting foreign labor is set as a percentage of the labor force and includes:

1) a quota for attracting foreign labor under permits issued by the local executive body to the employer;

2) a quota for attracting foreign labor by the countries of origin in the presence of international agreements on cooperation in the field of labor migration and social protection of migrant workers ratified by the Republic of Kazakhstan;

3) a quota for attracting labor immigrants.

5. The quota for attracting foreign labor is formed and established by the authorized body on migration issues, taking into account the forecast of the supply and demand in the labor

market for the upcoming year(s) and recommendations of authorized state bodies that manage the relevant area of public administration, local executive bodies, as well as employers.

6. The employer ensures the departure of the attracted foreign employee outside the Republic of Kazakhstan in connection with the termination of the permit to attract foreign labor.

7. The employer provides information to the authorized body on migration issues on the employment of foreigners or stateless persons attracted on the basis of a certificate of compliance with qualifications for self-employment, and (or) termination of employment relations with them.

**Footnote. Chapter 6 is supplemented by Article 36-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

### **Article 37. Procedure for issuance of employment authorizations to foreign employees and permits to employers for engagement of foreign working power**

1. Engagement of foreign working power shall be carried out on the basis of a permit issued by local executive bodies within a quota established by the authorized body on migration of population.

For the issuance or extension of a permit to engage foreign labor force, issued by the local executive body within its territory and (or) other administrative-territorial units, employers shall be charged a fee in accordance with the procedure established by the tax legislation of the Republic of Kazakhstan.

2. The foreign workers translated within the internal translation and also who arrived for independent employment carry out temporary work according to the purposes of stay and are obliged to leave the country after end of the term specified in the employment contract, which is not exceeding three years.

The procedure and conditions for issuing or extending permits to employers to attract foreign labor, as well as making an intra-corporate transfer shall be approved by the authorized body on migration of population.

3. Foreign workers can arrive for self-employment in professions in demand in priority sectors of the economy (types of economic activity) and subject to obtaining a certificate of compliance with qualifications issued by the local executive body for a period of not more than three months with the right to extend the term of the employment contract, but no more than three years.

**Footnote. Article 37 in edition of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017); as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

## **Article 37-1. Attracting foreign labor by employers**

1. Foreign labor force is attracted by employers to carry out labor activity in the Republic of Kazakhstan on the basis of permits to attract foreign labor force issued by local executive bodies of the relevant administrative-territorial units.

2. Local executive bodies on the territory of the relevant administrative-territorial units issue or extend permits or refuse to issue or extend permits to employers to attract foreign labor to carry out labor activities within the quota allocated by the authorized body for employment of the population, as well as suspend and revoke these permits.

3. A permit issued by a local executive body to attract foreign labor is not subject to transfer to other employers, it is valid on the territory of the administrative-territorial units specified in it, with the exception of the employer sending foreign workers for whom permits have been obtained on a business trip to organizations located on the territory of other administrative-territorial units for a period that is not exceeds a total of ninety calendar days during one calendar year.

4. Permission to employers to attract foreign labor is issued or extended in accordance with the procedure and conditions determined by the authorized body on migration issues, as well as upon payment of fees in accordance with the tax legislation of the Republic of Kazakhstan.

Upon receipt or extension of a permit to attract foreign labor to the Republic of Kazakhstan within one and (or) other administrative-territorial units, the fee is paid to the budget of each administrative-territorial unit specified in the permit.

The provision of this paragraph regarding the payment of a fee for the issuance or extension of a permit to employers to attract foreign labor does not apply to foreigners and stateless persons working within the framework of an intra-corporate transfer.

5. The acceptance of the necessary documents, as well as the issuance or extension of permits to employers to attract foreign labor, shall be carried out by the local executive body in accordance with the procedure determined by the authorized body on migration issues, including in electronic form through the information system of permits and notifications.

6. The number of foreign labor attracted by the employer under permits must correspond to the percentage ratio to the number of Kazakhstani personnel determined by the authorized body on migration issues, taking into account the employees of the sending party engaged in labor activities under the contract for provision of personnel.

**Note from ILLI!**

**Paragraph 7 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2023 No. 15-VIII (shall be enforced from 01.01.2030).**

7. The level of education (professional training) and experience (seniority) of practical work of foreign labor attracted by employers to carry out labor activity on the territory of the Republic of Kazakhstan must meet the qualification requirements for the professions of workers and positions of managers, specialists and employees, in accordance with

professional standards or the Unified tariff and qualification directory of jobs and professions of workers and a Qualification directory of positions of managers, specialists and other employees, typical qualification characteristics of positions of managers, specialists and other employees of organizations.

8. Employers who attract foreign labor are obliged to submit primary statistical data to the local body on employment issues in the manner and terms established by the Social Code of the Republic of Kazakhstan.

**Footnote. Chapter 6 is supplemented by Article 37-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

### **Article 37-2. Labor activities of foreigners or stateless persons within the framework of self-employment**

1. Foreigners or stateless persons may carry out labor activity in the Republic of Kazakhstan on the basis of certificates of compliance with qualifications for self-employment in professions in demand in priority sectors of the economy (types of economic activity) issued by local executive bodies for a period of no more than three months with the right to extend for the duration of the employment contract, but not more than three years.

2. The list of professions in demand in priority sectors of the economy (types of economic activity) is determined by the authorized body on migration issues, taking into account the recommendations of authorized state bodies that manage the relevant area of public administration, local executive bodies, as well as employers.

3. In order to obtain a certificate of compliance with qualifications for self-employment, a foreigner or a stateless person submits an application for self-employment in the Republic of Kazakhstan to foreign institutions of the Republic of Kazakhstan, which is forwarded to the local executive body specified in the application.

If a foreigner or a stateless person is in the Republic of Kazakhstan, in order to obtain a certificate of compliance with qualifications for self-employment, a foreigner or a stateless person applies to the local executive body with an application for self-employment in the Republic of Kazakhstan.

In case of self-employment in the Republic of Kazakhstan, within three months from the date of issuance of a certificate of compliance with qualifications for self-employment, a foreigner or a stateless person applies to the local executive body for its extension for the duration of the employment contract, but not more than three years.

**Footnote. Chapter 6 is supplemented by Article 37-2 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

### **Article 37-3. Labor activity of foreigners or stateless persons within the framework of intra-corporate transfer**

1. Foreigners or stateless persons attracted by employers within the framework of an intra-corporate transfer shall carry out temporary labor activity in the Republic of Kazakhstan on the basis of permits to attract foreign labor within the framework of an intra-corporate

transfer issued by the local executive body of the relevant administrative-territorial unit for a period determined by the employment contract, but not more than three years, with the right to extend for one year.

2. The conditions and procedure for issuing permits for attracting foreign labor carried out within the framework of an intra-corporate transfer shall be determined by the authorized body on migration issues.

3. Employers who attract foreigners or stateless persons within the framework of an intra-corporate transfer, within ten calendar days after their entry into the territory of the Republic of Kazakhstan, send information in writing to the local executive body for employment and social protection of the population, containing the following:

- 1) the country and organization from which foreigners or stateless persons are attracted;
- 2) the number of foreigners or stateless persons involved, indicating the surnames, names, patronymics (if they are indicated in identity documents), the level of education, qualifications, profession and work experience of each;
- 3) the term of employment.

4. The internal corporate transfer of managers and specialists is carried out taking into account the percentage ratio of the number of foreigners or stateless persons involved to the number of Kazakhstani personnel, established by the authorized body on migration issues.

5. Local executive bodies keep records of foreigners or stateless persons working within the framework of intra-corporate transfer.

**Footnote. Chapter 6 is supplemented by Article 37-3 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

### **Article 38. Features of regulation of work of foreign workers from among ethnic Kazakhs and the former compatriots**

The local executive body gives permissions to employers on involvement of foreign labor from among ethnic Kazakhs and the being authorized compatriots in the simplified order determined by body concerning population migration.

**Footnote. Article 38 in edition of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017).**

### **Article 39. Conditions for entry and issuance of entry visas to business-immigrants**

1. For receipt of entry visas, business-immigrants shall be obliged to:
  - 1) be adult;
  - 2) represent medical certificate confirming absence of diseases impeding the labour activity;
  - 3) have medical insurance covering primary health care and specialized medical care in inpatient conditions in an emergency form on the terms determined by the agreement of the

parties, in compliance with the minimum requirements established by the laws of the Republic of Kazakhstan;

4) represent confirmation of existence or absence of record of conviction and prohibition for carrying out of entrepreneurial activity on the ground of court decision;

5) excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced dated 01.01.2015).

2. Entry visas into Republic of Kazakhstan shall be issued to business-immigrants by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments for the term up to two years.

3. Entry visas and permits for temporary residence to business-immigrants from among ethnic Kazakhs, as well as those arrived from the states that concluded the agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued for the term up to three years.

Footnote. Article 39 with the amendments made by laws of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced dated 01.01.2015); dated 16.11.2015 No. 406-V (shall be enforced dated 01.01.2018); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 40. Conditions for stay of business-immigrants in the territory of the Republic of Kazakhstan and their carrying out of entrepreneurial activity**

1. Compulsory condition for stay of business-immigrants in the territory of the Republic of Kazakhstan is carrying out of entrepreneurial activity.

2. Within two months term from the date of entry into the territory of the Republic of Kazakhstan business-immigrant shall be obliged to:

1) register commercial organization in the Republic of Kazakhstan or join to composition of participants (shareholders) of commercial organizations carrying out activity in the territory of the Republic of Kazakhstan in accordance with civil legislation of the Republic of Kazakhstan;

2) contribute sum of money to the second tier bank of the Republic of Kazakhstan no less than minimal amount established by the legislation of the Republic of Kazakhstan upon registration of legal entity for formation its charter capital.

In case of non-fulfillment of obligations established by this Law by business-immigrants, internal affairs bodies shall take decision on reduction of the duration of stay of business-immigrants to the term required for their voluntary leave on the basis of application of local executive bodies.

Creation of legal entity, as well as participation in charter capital of commercial organizations by joining to composition of participants of legal entities shall be prohibited to foreign persons that didn't receive entry visas in the capacity of business-immigrants.

3. Import of equipment for organization of entrepreneurial activity to the territory of the Republic of Kazakhstan by business-immigrant shall be carried out on conditions and in the manner determined by customs legislation of the Republic of Kazakhstan.

4. Business immigrants may move freely through the territory of the Republic of Kazakhstan opened for visiting by foreign persons and choose the place of residence in accordance with the manner established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 40 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 36-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).**

#### **Article 41. Conditions for entry and stay of seasonal foreign employees**

1. Entry visas to seasonal foreign employees shall be issued by foreign establishments of the Republic of Kazakhstan on the basis of permits for engagement of foreign working power.

2. Permits for temporary residence of seasonal foreign employees arrived from the states concluded agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies.

3. Seasonal foreign employees shall be obliged to:

1) be adult;

**2) excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017);**

3) represent medical certificate confirming the absence of diseases impeding the labour activity;

4) have medical insurance covering primary health care and specialized medical care in inpatient conditions in an emergency form on the terms determined by the agreement of the parties, in compliance with the minimum requirements established by the laws of the Republic of Kazakhstan.

**Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.11.2015 No. 406-V (shall be enforced dated 01.01.2018); of 24.11.2015 No. 421-V (shall be enforced dated 01.01.2017); dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 42. Conditions for engagement of seasonal foreign employees**

1. Seasonal foreign workers shall be engaged to work in certain sectors of the economy in accordance with international treaties ratified by the Republic of Kazakhstan, or on the basis



of permits issued to employers by local executive bodies to engage foreign labor within the quota on the terms and in accordance with the procedure, determined by the authorized body on migration of population.

2. The employers involving seasonal foreign workers are obliged to provide them the temporary accommodation meeting sanitary and epidemiologic, technical and other mandatory requirements according to the legislation of the Republic of Kazakhstan on the housing relations.

**Footnote. Article 42 with the amendments made by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced dated 01.01.2015); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

### **Article 43. Main rights and obligations of immigrants arrived for the purpose of carrying out of labour activity**

1. Immigrants arrived for the purpose of carrying out of labour activity shall:

- 1) incur obligations provided by the Laws of the Republic of Kazakhstan in respect of immigrants arriving to the territory of the Republic of Kazakhstan;
- 2) be obliged to leave the Republic of Kazakhstan upon completion of the term of permits, if there are no legal grounds for the further stay.

2. Foreign employee arrived to the Republic of Kazakhstan except for seasonal employee shall have the right to:

- 1) **excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced dated 01.01.2017);**
- 2) that engaged by employer for carrying out of labour activity, after completion of the term of permit – to file application on receipt of employment authorization.

**Footnote. The article with the amendment made by the Law of the Republic of Kazakhstan dated 24.11.2015 № 421-V (01.01.2017).**

### **Article 43-1. Conditions for entry and stay of labour immigrants**

1. Labor immigrants must comply with the following requirements:

- 1) be the citizens of countries with which the Republic of Kazakhstan concluded agreements on free-visa procedure for entry and stay providing possibility of stay in the Republic of Kazakhstan without visas for the term of no less than three months;
- 2) be adult;
- 3) **excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of expiry of ten calendar days after day of its first official publication );**
- 4) represent confirmation of existence or absence of record of conviction;

5) represent medical certificate confirming the absence of diseases impeding the labour activity on elected specialty;

6) have medical insurance covering primary health care and specialized medical care in inpatient conditions in an emergency form on the terms determined by the agreement of the parties, in compliance with the minimum requirements established by the laws of the Republic of Kazakhstan;

7) to undergo fingerprint registration in accordance with legislation of the Republic of Kazakhstan.

2. Permit for temporary residence to labour immigrants shall be issued and extended by internal affairs bodies in the manner established by the Government of the Republic of Kazakhstan for the term of validity to labour immigrant.

Maximal term of continuous temporary residence of labour immigrant in the Republic of Kazakhstan may not exceed twelve months.

**Footnote.** The Law is supplemented by Article 43-1 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); with the amendments made by the Republic of Kazakhstan dated 16.11.2015 № 406-V (shall be enforced dated 01.01.2018); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of expiry of ten calendar days after day of its first official publication); dated 30.12.2016 No. 41-VI (shall be enforced from 01.01.2021); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 43-2. Procedure for issuing permit to labour immigrant**

1. Permit to labor immigrant shall be issued for the term mentioned in application on issuance of permit and may constitute one, two or three months.

Maximal term of permit to labour immigrant may not exceed twelve months.

New permit to labour immigrant shall be issued no earlier than thirty calendar days after completion of the term of previous permit.

Permit to labour immigrant shall be issued upon representing the documents confirming legality of its locating in the territory of the Republic of Kazakhstan, as well as payment of preliminary payment on individual income tax for the period mentioned in application on receipt of permit.

2. Upon application of labor immigrant, permit to labor immigrant shall be extended repeatedly for the term mentioned in the application and may constitute one, two and three months.

Permit to labour immigrant shall be extended upon representing documents confirming performance of works (rendering of services) of employers – individuals in home economics for the previous period, as well as payment of preliminary payment on individual income tax for the period on which the permit to labour immigrant is extended.

3. The procedure for issuing, extending and revoking a permit for a labour immigrant shall be determined by the authorized body on issues of population migration..

**Note!**

Paragraph 3-1 shall be valid till 01.01.2024 in accordance with the Law of the Republic of Kazakhstan dated 29.06.2021 No. 58-VII.

3-1. When issuing a permit to a labor immigrant, a temporary residence permit shall be issued, the formation of dacto-, photo registrations of the labor immigrant shall be carried out.

The procedure for the formation and maintenance of dacto-, photo-registration of a labor immigrant shall be determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

4. Permit to labour immigrant is the ground for conclusion of labour agreement on performance of works (rendering of services) of employers – individuals in home economics.

5. Conclusion of labour agreements on performance of works (rendering of services) in home economics by one employer – individual with more than five labour immigrants simultaneously shall not be allowed.

6. Permit to labour immigrant shall grant the right to labour immigrant to perform the works (render services) in home economics of employer – individual in the territory of administrative-territorial entity in which it is issued.

**Footnote.** The Law is supplemented by Article 43-2 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2 ); as amended by the laws of the Republic of Kazakhstan dated 30.12.2016 No. 41-VI (shall be enforced from 01.01.2021); dated 29.06.2021 No. 58-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated December 30, 2021 No. 95-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

## **Chapter 7. IMMIGRATION ON HUMANITARIAN AND POLITICAL MOTIVES Article 44.**

### **Categories of immigrants arriving on humanitarian motives**

Immigrants arriving on humanitarian motives shall include:

1) voluntary servants – immigrants arriving to the Republic of Kazakhstan for rendering of services in the scope of education, health care service and social assistance without compensation;

2) immigrants arriving to the Republic of Kazakhstan under the terms of international treaties ratified by the Republic of Kazakhstan for the purpose of rendering of beneficent, humanitarian assistance and provision of grants.

### **Article 45. Immigrants arriving on political motives**

Immigrants arriving on political motives shall include:

- 1) refugees;
- 2) persons being provided by political asylum;

**Article 46. Conditions for entry and issuance of entry visas to immigrants arriving on humanitarian motives**

1. Entry visas to immigrants arriving to the Republic of Kazakhstan on humanitarian motives shall be issued for the term up to one year by foreign establishments of the Republic of Kazakhstan on the basis of application of representative of international organization accredited in the Republic of Kazakhstan, or foreign non-government social organization (fund) registered officially in the country of its residence in accordance with the legislation of this state.

2. Immigrants arriving on humanitarian motives shall not have the right to engage in activity not provided by the purposes of entry in the territory of the Republic of Kazakhstan.

**Footnote. The article 46 with the amendments made by the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of expiry of ten calendar days after day of its first official publication).**

**Article 47. Conditions for entry and stay on political motives**

1. Conditions for entry and stay of persons searching for asylum, relations on provision of asylum to foreign persons and stateless persons and assigning them a status of refugee, legal status of refugees in the territory of the Republic of Kazakhstan shall be regulated by the legislation of the Republic of Kazakhstan on refugees.

2. Procedure for provision of political asylum shall be determined by the President of the Republic of Kazakhstan.

**Chapter 8. COMMON GROUNDS FOR REFUSAL TO A FOREIGNER AND A STATELESS PERSON IN ENTRY INTO REPUBLIC OF KAZAKHSTAN AND IN RECEIPT OF PERMIT FOR PERMANENT RESIDENCE IN THE REPUBLIC OF KAZAKHSTAN**

**Footnote. The heading of Chapter 8 as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

**Article 48. Grounds for refusal to immigrant in entry into Republic of Kazakhstan**

Immigrant shall be prohibited to enter the Republic of Kazakhstan:

- 1) in behalf of national security protection, protection of public order and health of population;
- 2) if his (her) actions are directed to forcible change of constitutional order;

- 3) if he (she) acts against sovereignty and independence of the Republic of Kazakhstan, calls to violation of unity and integrity of its territory;
- 4) if it kindles international, interfaith and religious strife;
- 5) if it is required for protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons;
- 6) if bodies of national security have data on his participation in extremism or terrorist activity and also in case of recognition by court in its actions of a dangerous recurrence;
- 7) if he (she) didn't carry out recovery for commission of criminal or administrative infraction imposed on him (her) during the previous stay in the Republic of Kazakhstan;
- 8) if during the previous stay in the Republic of Kazakhstan he (she) didn't represent declaration on individual income tax in the case when representation of the declaration is provided by the legislation of the Republic of Kazakhstan;
- 9) if he (she) didn't represent confirmation on existence of funds required for stay and leave from the Republic of Kazakhstan in the manner determined by the Government of the Republic of Kazakhstan with the exception of ethnic Kazakhs, persons born or being previously in citizenship of the Republic of Kazakhstan or Kazakh Soviet Socialist Republic and their family members;
- 10) if he (she) informed false details or didn't represent required documents within the term established by the legislation of the Republic of Kazakhstan upon applying on entry;
- 10-1) if he/she refused to undergo the identity verification procedure based on fingerprint information when crossing the State Border of the Republic of Kazakhstan;
- 11) in existence of diseases being contraindication for entry into Republic of Kazakhstan;
- 12) if it lost citizenship of the Republic of Kazakhstan on the bases provided by Subparagraph 8) of part one of Article 21 of the Law of the Republic of Kazakhstan of December 20, 1991 "On citizenship of the Republic of Kazakhstan" earlier;
- 13) if it is earlier deprived of citizenship of the Republic of Kazakhstan on the bases provided by Article 20-1 of the Law of the Republic of Kazakhstan of December 20, 1991 "On citizenship of the Republic of Kazakhstan".

Immigrants previously deported from the Republic of Kazakhstan shall be prohibited from entering the Republic of Kazakhstan for five years from the date of execution of the court decision on expulsion.

Applications of host persons for inviting foreigners to the Republic of Kazakhstan are not considered if, within twelve consecutive calendar months prior to the submission of such an application, the host persons were held accountable two or more times for untimely informing the internal affairs bodies about immigrants staying with them, failure to take measures to draw up documents for the right of their stay in the Republic of Kazakhstan and to ensure their departure from the Republic of Kazakhstan upon expiration of a certain period of stay.

**Footnote. Article 48 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its**

first official publication); with the changes made by Laws of the Republic of Kazakhstan dated 03.11.2014 No. 244-V (shall be enforced dated 02.01.2015); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication) ; dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (the order of enforcement see Article 2); dated 30.12.2016 No. 41-VI (shall be enforced from 01.01.2021); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 49. Grounds for refusal in issuing or annulling permit for permanent residence in the Republic of Kazakhstan to foreigners and stateless persons**

Footnote. The heading of Article 49 as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Issuance of permit for permanent residence in the Republic of Kazakhstan shall be refused to foreigners and stateless persons or previously issued permit shall be annulled:

- 1) to those arrived illegally, as well as those persecuted for commission of crimes according to the legislation of countries the natives of which they are;
- 2) to those released from the places of deprivation of freedom, the permanent place of residence of which was beyond the boundaries of the Republic of Kazakhstan before conviction;
- 3) to those committed crimes against mankind;
- 4) who have not provided proof of their solvency in the manner and amounts determined by the Ministry of Internal Affairs of the Republic of Kazakhstan, with the exception of ethnic Kazakhs, former compatriots born or who previously held citizenship of the Kazakh Soviet Socialist Republic or the Republic of Kazakhstan, as well as persons entitled to obtain citizenship of the Republic of Kazakhstan in a simplified manner on the basis of international treaties of the Republic of Kazakhstan, and their family members, foreigners with in-demand professions, the list of which is approved by the authorized body on migration issues;
- 5) repeatedly violating the law on a legal status of foreigners in the Republic of Kazakhstan;
- 6) kindling international, interfaith and religious strife;
- 7) the actions of which are oriented to forcible change of the constitutional order;
- 8) to those acting against the sovereignty and independence of the Republic of Kazakhstan, calling to violation of unity and integrity of its territory;
- 9) having not removed or unspent conviction for crime;
- 9-1) without explanation of reasons, in the presence of data at bodies of national security of the Republic of Kazakhstan оb on their participation in extremism or terrorist activity;

10) to those represented false documents or informed false details about themselves upon applying on permit for permanent residence in the Republic of Kazakhstan or that didn't represent required documents within the term established by the legislation of the Republic of Kazakhstan without reasonable excuse;

10-1) for those, who have not passed fingerprint registration in accordance with legislation of the Republic of Kazakhstan;

11) to those deported from the Republic of Kazakhstan within five years to the moment of issuance of permit for permanent residence in the Republic of Kazakhstan;

12) if it is required for protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons;

13) to those received permit for permanent residence and residing in the territory of the Republic of Kazakhstan no less than one hundred eighty three calendar days within any sequential twelve-month period from the date of issuance of permit for permanent residence;

13-1) excluded by the Law RK of 24.11.2015 No. 421-V (becomes effective after ten calendar days after day of its first official publication);

14) having entered into marriage with citizens of the Republic of Kazakhstan, which has served as the basis for obtaining a residence permit, in the event that this marriage is declared invalid by a court decision that has entered into force;

14-1) brought to administrative responsibility for offense in the field of population migration, taxation and the labor law of the Republic of Kazakhstan;

14-2) to the interests of national security creating threat;

15) to those having diseases being contraindication for entry into Republic of Kazakhstan;

16) if they lost citizenship of the Republic of Kazakhstan on the bases provided by Subparagraph 8) of part one of Article 21 of the Law of the Republic of Kazakhstan of December 20, 1991 "On citizenship of the Republic of Kazakhstan" earlier;

17) if they are earlier deprived of citizenship of the Republic of Kazakhstan on the bases provided by Article 20-1 of the Law of the Republic of Kazakhstan of December 20, 1991 "On citizenship of the Republic of Kazakhstan".

Refusal in issuance of residence permit or certificate of stateless person may be appealed in the manner established by the legislation of the Republic of Kazakhstan.

Issuance of a permit to foreigners and stateless persons for permanent residence in the Republic of Kazakhstan without the positive approval of the national security authorities shall be prohibited.

In relation to ethnic Kazakhs and members of their families, stateless persons recognized as such due to the lack of identity documents, or on the basis of a USSR passport of the 1974 model, women subject to the Law of the Republic of Kazakhstan "On the accession of the Republic of Kazakhstan to the Convention on the Citizenship of a Married Woman", the validity of subparagraphs 13) and 14-1) of part one of this article shall not apply.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 03.11.2014 No. 244-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 30.12.2016 No. 41-VI (shall be enforced from 01.01.2021); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication; dated 30.04.2021 No. 34-VII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ); dated December 26, 2022 No. 168-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII ( shall be enforced ten calendar days after the date of its first official publication).

## **Chapter 9. INTERNAL MIGRANTS IN THE REPUBLIC OF KAZAKHSTAN Article 50.**

### **Internal migrants resettled in an orderly manner and independently resettling internal migrants**

Footnote. The headline of the article 50 in the wording of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication).

Internal migrants in the Republic of Kazakhstan shall be divided in:

1) voluntarily resettling in the regions in accordance with the Government of the Republic of Kazakhstan;

2) resettling independently at own will expression.

Footnote. The article 50 with the amendments made by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication).

### **Article 51. Main rights and obligations in internal migrants**

1. Internal migrants shall have the right to:

1) freedom of movement in the territory of the Republic of Kazakhstan, free choice of the place of residence except for the cases preconditioned by the Law of the Republic of Kazakhstan;

2) protection against compulsory movement from the residence or the place of temporary stay (accommodation);

2-1) participation in active measures to promote employment in accordance with the Social Code of the Republic of Kazakhstan;



2-2) primary accommodation in temporary accommodation centres in accordance with the procedure and within the terms, determined by the authorized body on migration of population, in case of resettlement within the framework of the regional quota for the reception of immigrants;

3) provision of assistance in employment.

Compulsory movement of individuals on the grounds not provided by the Law of the Republic of Kazakhstan shall not be allowed.

2. Internal migrants shall be obliged:

1) register at the place of residence and the place of temporary stay (residence) on the territory of the Republic of Kazakhstan in accordance with the procedure determined by the internal affairs bodies;

1-1) upon receipt of a referral to a temporary accommodation center, settle in it within three calendar days and vacate the provided premises after the end of the period of stay established by the authorized body on migration of population, in case of resettlement within the regional quota for the reception of migrants;

2) prematurely repay in full the measures of state support received by them, provided for the participants of active measures to promote employment in accordance with the Social Code of the Republic of Kazakhstan, in cases of internal migration on their own will outside the regions determined by the Government of the Republic of Kazakhstan, within five years.

**Footnote. Article 51 with the amendments made by laws of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 13.05.2020 No. 327-VI ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

## **Chapter 10. PROVISION OF ASSISTANCE TO INTERNAL MIGRANTS Article 52.**

### **Establishment of a regional quota for the reception of immigrants**

1. The regional quota for the reception of immigrants shall be established by the authorized body on migration of population based on proposals from local executive bodies of regions, cities of republican significance, the capital.

2. Inclusion in the regional quota for the reception of immigrants shall be carried out on the basis of an application submitted by an immigrant to employment centers, in accordance with the procedure, determined by the authorized body on migration of population.

**Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

**Article 53. Social assistance to citizens of the Republic of Kazakhstan, included to the regional quota of reception of immigrants**

Citizens of the Republic of Kazakhstan included in the regional quota for acceptance of migrants, in accordance with the procedure determined by the authorized body on migration issues, are provided with state support measures provided for participants in active measures to promote employment, in accordance with the Social Code of the Republic of Kazakhstan.

**Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

**Chapter 11. CONDITIONS AND PROCEDURE FOR ENTRY OF CITIZENS OF THE REPUBLIC OF KAZAKHSTAN BEYOND THE BOUNDARIES OF CONUTRY.**

**PREVENTION OF ILLEGAL MIGRATION Article 54. Categories of citizens of the Republic of Kazakhstan leaving beyond the boundaries of country**

Citizens of the Republic of Kazakhstan leaving beyond the boundaries of country shall be divided into two categories:

- 1) citizens of the Republic of Kazakhstan leaving to other state for permanent residence;
- 2) citizens of the Republic of Kazakhstan leaving into other state for temporary residence.

Citizens of the Republic of Kazakhstan leaving to the other state for temporary residence are the personnel of foreign establishments of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan carrying out temporary labour activity in foreign states, military servants performing peacemaking, appointed in accordance with quotas on offices under international organizations assigned to the Republic of Kazakhstan, as well as persons being on study, under treatment, in guided tour and private journey, upon invitation of organizations and private persons, in official business trip in foreign countries.

**Article 55. Conditions and procedure for leave of citizens of the Republic of Kazakhstan beyond the boundaries of country**

1. Every one shall have the right to leave beyond the boundaries of the Republic of Kazakhstan. Citizens of the Republic of Kazakhstan shall have the right to unimpeded return to the Republic of Kazakhstan.

2. Leave for permanent place of residence from the Republic of Kazakhstan shall be carried out after drawing up of documents to leave by internal affairs bodies.

3. Application on leave beyond the boundaries of the Republic of Kazakhstan to permanent place of residence shall be filed to internal affairs bodies:

- 1) by capable citizens – in person;

2) in the name of children and citizens recognized incapable by court – by their legal representatives.

4. Internal affairs bodies shall verify the absence of the grounds for refusal in leave beyond the boundaries of the Republic of Kazakhstan to citizens that filed applications on leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence.

Requests of internal affairs bodies in respect of citizens that filed the applications on leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence shall be considered by interested state bodies within ten days term.

The decision on registration of documents for departure from the Republic of Kazakhstan for permanent residence is made no later than one month from the date of submission by the applicant of all documents in the manner determined by the internal affairs bodies.

5. Financing of expenses linked with leave of citizens of the Republic of Kazakhstan from the Republic of Kazakhstan for permanent place of residence to other states shall be carried out at the expense of own funds of leaving persons, as well as may be carried out from the other sources, unless this contradicts the legislation of the Republic of Kazakhstan.

6. Citizens of the Republic of Kazakhstan leaving from the Republic of Kazakhstan for permanent place of residence to the other states shall have the right to export beneficially owned property belonged to them and their family members at their expense in accordance with the legislation of the Republic of Kazakhstan.

7. Export of objects representing cultural, historical or another value for the state by citizens beyond the boundaries of the Republic of Kazakhstan shall be regulated in the manner established by the legislation of the Republic of Kazakhstan.

8. Rights of property of persons that left from the Republic of Kazakhstan for the permanent place of residence to other states, being in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 55 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 55-1. Private employment agency**

1. A private employment agency has the right:

1) to advise the applicants, provide information on employment opportunities both within the country and abroad, as well as labor mediation services;

2) to recruit workers for employment from one country to another;

3) to organize professional training and retraining of applicants with subsequent employment within the country and abroad;

4) to issue permits for transportation in case of employment of persons abroad.

2. A private employment agency is obliged:

1) not to allow any form of discrimination;

- 2) to ensure the confidentiality of information received from the applicants;
- 3) to conclude contracts with applicants for provision of labor mediation services for work within the country and abroad;
- 4) to quarterly provide the employment center in writing or through the state information portal "Electronic Labor Exchange" with information on the number of persons who have applied for labor mediation and those employed within the country and abroad, in the context of professions (specialties).

3. Activities related to the transportation of labor force from the Republic of Kazakhstan abroad are carried out by private employment agencies.

The transportation of labor force from the Republic of Kazakhstan abroad is carried out only if the private employment agency guarantees the return of the employee to his country after the expiration of the contract by making a guarantee contribution to the name of the employee in the banks of the country of employment.

When transporting the labor force from the Republic of Kazakhstan abroad, the procedure and conditions for making a guarantee contribution by a foreign employer to the banks are regulated by the legislation of the country of employment.

**Footnote. Chapter 11 is supplemented by Article 55-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

#### **Article 56. Grounds for refusal in provision of permit to citizen of the Republic of Kazakhstan for leave from the country for permanent place of residence**

Citizen of the Republic of Kazakhstan shall temporary refuse in leave from the Republic of Kazakhstan for permanent place of residence in cases, if he (she):

1) have details constituting state and other secrets protected by the Law, and didn't notify the relevant authorized bodies on the fact of his (her) leave beyond the boundaries of the Republic of Kazakhstan – before termination of actions of these circumstances;

2) is detained on suspicion in commission of crime or brought as accused person, the defendant, or concerning him the decree on qualification of act of the suspect is issued – until delivery of decision on case or entering of court verdict into force;

3) is convicted for commission of crime – until serving punishment or release from punishment;

4) evades from fulfillment of obligations imposed on him (her) by court – until termination of these circumstances;

5) performs compulsory military service – until completion of performing this service or before release from it in accordance with the Law of the Republic of Kazakhstan “On military service and status of military servants”;

6) informed false details about himself (herself) during drawing up of documents for leaving the Republic of Kazakhstan – until elimination of reasons served as the ground for refusal and representing of reliable details;

7) is defendant in civil proceeding – until entering of court decision into force;

8) has a tax debt - until its full repayment;

9) is a debtor in enforcement proceedings.

The requirement of subparagraph 9) of part one of this article shall not apply if the debtor in enforcement proceedings has submitted:

a settlement agreement concluded with the claimant, approved by the court;

an agreement on the settlement of the dispute with the claimant in the manner of mediation;

documents confirming the execution of the penalty or other requirement of the enforcement document;

documents confirming the cancellation of the decision of the relevant body, on the basis of which the writ of execution was issued.

In all the cases of restricting the right to leave from the Republic of Kazakhstan for permanent place of residence, internal affairs bodies shall issue notification to citizen of the Republic of Kazakhstan in which, the ground and term of restriction and procedure for appeal of this decision are stated.

**Footnote. Article 56 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012 No. 526-IV (shall be enforced upon expiry of ten calendar days after the date of 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 04.07.2014 No. 233-V (shall be enforced dated 01.01.2015); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Article 57. Rights and obligations of citizen of the Republic of Kazakhstan stayed beyond the boundaries of the Republic of Kazakhstan**

Citizens of the Republic of Kazakhstan stayed beyond the boundaries of the Republic of Kazakhstan shall have all the rights and freedoms, as well as incur all the obligations established by the Constitution, Laws and international treaties ratified by the Republic of Kazakhstan.

Republic of Kazakhstan shall guarantee protection and wardship to all its citizens beyond its boundaries.

#### **Article 58. Prevention of illegal immigration and measures of legalizing immigrants with non-regulated legal status**

1. Entry of immigrants into the territory of the Republic of Kazakhstan is possible on condition of their performance of requirements of the legislation of the Republic of Kazakhstan regulating procedure for entry, leave, stay and travel in transit, as well as international treaties ratified by the Republic of Kazakhstan.

2. Authorized state bodies shall carry out migration control, as well as accounting of foreign persons and stateless persons crossing illegally the State Border of the Republic of Kazakhstan, staying illegally in the territory of the Republic of Kazakhstan, as well as persons to which the entry into the territory of the Republic of Kazakhstan is prohibited in the manner determined by the Government of the Republic of Kazakhstan.

## **Chapter 12. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF MIGRATION OF POPULATION.**

### **SETTLEMENT OF DISPUTES Article 59. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of migration of population**

Violation of the legislation of the Republic of Kazakhstan in the field of migration of population shall entail responsibility established by the Laws of the Republic of Kazakhstan.

#### **Article 60. Deportation of illegal immigrants**

1. Illegal immigrants shall be subject to deportation beyond the boundaries of the Republic of Kazakhstan to the state of their origin (country of citizenship of foreign person or permanent residence of stateless person) in accordance with the legislation of the Republic of Kazakhstan.

Decision on deportation shall be taken by court.

Detention of illegal immigrants and their maintenance in special institutions of internal affairs bodies shall be allowed for the term required for deportation beyond the boundaries of the territory of the Republic of Kazakhstan in the manner established by the Law of the Republic of Kazakhstan, but no more than thirty days.

2. The costs of deportation or readmission shall be incurred by deported or readmitted illegal immigrants, individuals or legal entities who have invited an illegal immigrant to the Republic of Kazakhstan or used his labor at the time of establishing the fact of the illegal stay of an immigrant in the Republic of Kazakhstan, unless otherwise provided by international treaties on readmission ratified by the Republic of Kazakhstan. In cases of absence or insufficiency of funds from these persons to cover the costs of deportation or readmission, financing of relevant activities shall be carried out at the expense of budget funds, while funds spent on deportation or readmission shall be subject to reimbursement in court on claims of interested public bodies to the above-mentioned persons.

In accordance with international treaties ratified by the Republic of Kazakhstan, the transport organization that carried the persons entered without the right of entry shall be liable for their leave from the territory of the Republic of Kazakhstan.

3. Foreigners or stateless persons received from a foreign state in accordance with an international agreement on readmission ratified by the Republic of Kazakhstan, but who do not have legal grounds for entry and stay in the Republic of Kazakhstan, shall be subject to deportation if between the Republic of Kazakhstan and the state of nationality or permanent (

primary) residence of such a person there is no international treaty on readmission ratified by the Republic of Kazakhstan.

**Footnote.** The article 60 with the amendments made by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 421-V (shall be enforced upon expiry of ten calendar days after day of its first official publication); dated 13.05.2020 No. 327-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.12.2020 No. 385-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 60-1. Protection of the rights of immigrants revealed and identified as victims of human trafficking in the territory of the Republic of Kazakhstan**

1. Immigrants revealed and identified as victims of human trafficking on the territory of the Republic of Kazakhstan shall not be subject to deportation from the Republic of Kazakhstan to their state of origin (country of citizenship of a foreigner) until the completion of the process of providing a guaranteed volume of special social services in accordance with the current legislation of the Republic of Kazakhstan in the field of providing special social services, during which they decide to apply to law enforcement agencies and cooperate with them.

The provision of a guaranteed volume of special social services to an immigrant revealed and identified as a victim of human trafficking in the territory of the Republic of Kazakhstan shall be carried out at the expense of budgetary funds.

2. To provide a guaranteed volume of special social services to an immigrant revealed and identified as a victim of human trafficking in the territory of the Republic of Kazakhstan, a permit for temporary residence in the territory of the Republic of Kazakhstan shall be issued.

**Footnote.** Chapter 12 is supplemented by Article 60-1 in accordance with the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 61. Settlement of disputes**

Decision and actions (omission) of authorized bodies and (or) their civil servants may be appealed in superior state bodies (to senior civil servant) and (or) in court in accordance with the Laws of the Republic of Kazakhstan.

#### **Chapter 12. FINAL PROVISIONS Article 62. Procedure for applying this Law**

1. This Law shall be applied to relations in the field of migration of population arising after its enforcement.

2. Documents issued by authorized state bodies before enforcement of this Law shall preserve their validity.

#### **Article 63. Order for enforcement of this Law**

1. This Law enters into force upon expiry of ten calendar days after its first official publication, with the exception of subparagraph 3) of Article 8, subparagraph 1) of Article 50 and chapter 10 that enters into force from 1 January 2015.

1-1. Suspend till January 1, 2024 the validity of subparagraph 7) of paragraph 1 of Article 43-1, subparagraph 10-1) of part one of Article 48, subparagraph 10-1) of part one of Article 49 of this Law.

2. The Law of the Republic of Kazakhstan dated 13 December 1997 “On migration of population” shall be deemed to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 24, Article 341; 2001, No. 8, Article 50; No. 21-22, Article 285; No. 24, Article 338; 2002, No. 6, Article 76; 2004, No. 23, Article 142; 2007, No. 3, Article 23; No. 15, Article 106; No. 20, Article 152; 2008, No. 23, Article 114; 2009, No. 23, Article 117 ; 2010, No. 24, Article 149).

**Footnote. Article 6 3 as amended by the Law of the Republic of Kazakhstan dated 29.06.2021 No. 58-VII (shall be enforced from 01.01.2021); dated 30.12.2022 No. 177-VII ( shall come into effect upon expiration of ten calendar days after the day of its first official publication).**

*The President of the Republic of Kazakhstan*