

LATEST LEGISLATION AMENDMENTS ON LEGAL STATUS OF FOREIGNERS

IMPORTANT!

On 16 May 2024, Kazakhstan adopted the [Law](#)¹ on Introduction of Amendments into Certain Regulatory Legal Acts of the Republic of Kazakhstan on Migration Issues. Major part of the adopted amendments will be put into effect since 28 May 2024.

This Legal Update considers the key amendments to the [Law](#)² of the Republic of Kazakhstan "On Legal Status of Foreigners" (the, "Law"). Important amendments to other regulatory legal acts in the migration sphere will be considered in an additional Legal Update, which will be sent to your attention in the nearest time.

The amendments to the Law relate to the principles of legal status of foreigners, procedure for granting them the right to permanent residence in Kazakhstan, and detailed description of the issues on restriction of the foreigners' entry into Kazakhstan.

Please see below information on the most important amendments.

■ Principles of Legal Status of Foreigners

The new version of Article 3 of the Law clarifies that foreigners enjoy the rights and freedoms and bear liability on the same conditions as the citizens of Kazakhstan (unless otherwise stipulated by legislation), and may not be subject to any discrimination on the basis of origin, social, official, property status, sex, race, nationality, language, religious orientation, beliefs, place of residence, or based on any other circumstances.

■ Status of Foreigners Permanently Residing in Kazakhstan

The new version of Article 4 of the Law expanded the list of persons who do not need to confirm solvency to obtain a permanent residence permit, adding both ethnic Kazakhs, persons who were born in, or previously were the citizens of, the Republic of Kazakhstan or the Kazakh Soviet Socialist Republic, and persons entitled to acquisition of the Kazakhstan citizenship under the simplified procedure on the basis of international treaties ratified by Kazakhstan. The Law also clarified that family members of the listed categories of foreigners arriving together with or separately from them have the same status.

■ Entry into Kazakhstan

As a result of the amendments introduced into Article 22 of the Law, the set of criteria, based on which foreigners may be prohibited to enter Kazakhstan, was expanded. From now on, a prohibition to enter may be substantiated not only by involvement in extremist or terrorist activities, but also by affiliation with an organization recognized in Kazakhstan as an extremist or terrorist organization, and a repetition of crimes recognized by court in case a

¹ Law No. 82-VIII of the Republic of Kazakhstan "On Introduction of Amendments into Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Improvement of Legislation in the Sphere of Migration of Population and Penal System" dated 16 May 2024.

² Law No. 2337 of the Republic of Kazakhstan "On Legal Status of Foreigners" dated 19 June 1995.

foreigner holds a leading position in a criminal group (organization), committed grave crimes in the territory of Kazakhstan and was handed over to a state of his/her citizenship in accordance with an international treaty, or committed a sex crime against an underage person. The Law clarifies that the National Security Authority may not explain a reason serving as a ground to reject foreigner's entry into Kazakhstan and certain localities (territories) closed for the visits of foreigners.

Contact details:**Yuliya Chumachenko**

Partner

y.chumachenko@aequitas.kz

Spandiyar Kumisbek

Junior Associate

s.kumisbek@aequitas.kz

Legal Updates shall not be treated as a legal advice or a reason for making specific decisions on the Kazakh law issues. Should you need a legal advice, we would be happy to assist.