

8 June 2016

*To all our clients and friends*

## **INFORMATION LETTER**

### **Concerning New Procedure for Registration of Foreigners' Passports in the Republic of Kazakhstan**

In January 2016, a new Order of the Ministry of Foreign Affairs<sup>1</sup> was added to the database of normative legal acts of the Republic of Kazakhstan ("RK") regulating the procedure for entry and stay of foreign citizens in Kazakhstan. This Order will enter into legal force upon expiration of 10 calendar days of the date of its first official publication, which is expected to take place soon.

Despite the fact that the Order does not drastically amend the migration legislation, it consolidates major issues associated with the foreigners' entry into Kazakhstan, their stay in the Kazakhstan territory, movement and exit, and clarifies certain moments related to execution of migration cards and registration of foreigners' passports in the RK. We recommend considering novelties as follows.

#### **1. Migration card forms are issued:**

- on the way: air (sea) transport – by aircraft (sea vessel) crew members; railway transport – by train crew members; international bus transport – by drivers of international buses;
- at the RK state border checkpoints – by the Border Service of the National Security Committee ("BS NSC");
- by internal affairs authority – at the place of permanent or temporary residence in the RK, including via obtaining information through Berkut unified information system ("Berkut UIS") from legal entities and individuals on immigrants staying with them.

A migration card may be filled out and printed out by a foreigner himself/herself before arriving to the RK state border checkpoint via visa-and-migration website.

When entering the RK, BS NSC compares the presented migration card with the passport details and puts an entry mark by way of affixing the stamp date imprint in "entry" column, after which the migration card is returned to an immigrant.

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<sup>1</sup> Order No. 83 of the RK Minister of Internal Affairs "On Approval of the Rules for Registration of Immigrants' Passports, Provision of Information by Host Persons on Immigrants Staying with Them, Manufacture and Issue of Migration Cards, Movements of Immigrants, Immigrants' Entry into Certain Areas (Territories) Prohibited for Foreigners' Visits, as well as for Transit Passage of Foreigners and Stateless Persons Across the Territory of the Republic of Kazakhstan" dated 27 January 2016 ("Order"). Registered in the Register for state registration of the RK normative legal acts under No. 13715 on 17 May 2016 (<http://www.zanorda.kz/ru/kv/103003000000>).



## 2. Foreigners' passports are registered with Berkut UIS based on:

- RK visa (except for the citizens of countries with whom Kazakhstan entered into international agreements on visa-free entry and stay);
- applications from host legal entities, individuals or immigrants.

In case of detecting a foreigner violating the RK legislation in the population migration sphere, the basis for his/her registration after bringing to administrative liability will be a report of an employee of the migration police division.

Registration is performed for the period specified in application from the host legal entity, individual or a foreigner, but not to exceed the visa term, permitted period of stay or term of passport or any other substituting document. Foreigners who have multiple-entry visas are registered for the period of their actual stay in the country.

The period of foreigner's stay may be extended by issuing or extending visas and passport registration terms on the basis of applications filed by the host legal entities, individuals or immigrants themselves.

In the event of losing a passport a foreign citizen is to immediately file an application to the internal affairs authority at the place of permanent residence or temporary stay describing in details when, where and under what circumstances he/she has lost the documents. Based on such application from the foreigner whose identity has been established the migration police division issues an information certificate concerning the loss of his/her passport or a substituting document. Then, based on the information certificate the foreigner obtains from the consular institution of his/her country a new passport or a substituting document where the exit visa is executed by the internal affairs authority.

**Specifics of registration and stay of citizens of EAEU member states in Kazakhstan** (except for Kyrgyzstan) come to the point that they may stay in the RK territory without registration up to 30 calendar days. In case of registration, they may stay up to 90 days (instead of former 180 days), and such 90-day period is now calculated not starting the registration date, but starting the date of entry into the RK territory. The registration cannot be extended and it is necessary to exit the RK upon expiration of the established period. These amendments entered into force starting 14 April 2016<sup>2</sup>.

Should you have any additional questions in connection with this Information Letter, we would be happy to provide you with more detailed information.

Best regards,  
AEQUITAS Law Firm

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<sup>2</sup> Decree No. 190 of the RK Government "On Introduction of Amendments into the Decree No. 148 of the Government of the Republic of Kazakhstan of 21 January 2012 on Approval of the Rules for Immigrants' Entry and Stay in the Republic of Kazakhstan and Their Exit from the Republic of Kazakhstan and the Rules for Exercising Migration Control and Record of Foreign Citizens and Stateless Persons Illegally Crossing the State Border of the Republic of Kazakhstan and Illegally Staying in the Republic of Kazakhstan, and Persons Prohibited to Enter into the Territory of the Republic of Kazakhstan" dated 7 April 2016 (<https://egov.kz/cms/ru/law/list/P1600000190>).