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To our Clients and Friends

INFORMATION MEMORANDUM
Regarding recent amendments to the migration legislation of the Republic of
Kazakhstan

New Rules for the issue of visas (hereinafter – the Rules)¹, which also relate to the matters of their extension and reduction of their effective terms, have been developed in Kazakhstan. The Rules will enter into force from 29 May 2013.

General characteristics of the Rules

The basic objectives for the adoption of the Rules are as follows:

- 1) bringing provisions of subordinate regulatory legal acts into line with the RK Law on Population Migration, dated 22 July 2011;
- 2) improvement of the existing procedure for the visas issue;
- 3) ordering of entry, exit, and staying of foreign individuals in the RK territory.

When developing the Rules, the experience of various countries in the sphere of visa policy has been taken into account. This experience is reflected in the revised legislation, including with respect to visa issue on the basis of international principle of reciprocity (parity), which provides for mutual granting of equal conditions in the execution of visas to nationals of two states.

In the first instance, the Rules are directed towards creation of favorable conditions for trips to Kazakhstan of foreign tourists, private persons, and businessmen. At the same time, the Rules set forth a number of restrictions on staying of the indicated category of individuals in Kazakhstan for the purpose of decreasing the flow of foreigners who are engaged in illegal entrepreneurial, labor, and other payable activity in the RK territory.

In any case, in the taking of decisions on the execution of visa support and visa issue the political and migration situation in the country of nationality or permanent residence of a foreign individual will be taken account of.

¹ The Rules are approved by a Joint Order of the RK Minister of Internal Affairs, No. 175, dated 7 March 2013, and the Acting RK Minister of Foreign Affairs, No. 08-1-1-1/71, dated 5 March 2013, registered in the Register of state registration of regulatory legal acts, under No. 8407 on 10 April 2013, and published in the newspaper «Kazakhstanskaya Pravda», dated 18 May 2013.

Types and categories of visas

The Rules for the first time introduced such types of visas as «non-immigration» and «immigration».

The following categories of visas are referred to non-immigration visas:

- diplomatic visa (A);
- service visa (B);
- investor visa (C);
- business visa (D);
- missionary visa (E);
- tourist visa (F);
- private visa (G); and
- transit visa (H).

The following categories of visas are referred to immigration visas:

- visa for permanent residence (J);
- family reunification visa (K);
- educational visa (L);
- visa for the performance of labor activity (M); and
- visa for staying under humanitarian purposes (N).

Each of the above-listed categories of visas (except for tourist and transit visas) is subdivided into subtypes, depending on the purpose of the visa recipient's staying in the RK.

Investor visas

Foreigners who are engaged in investment activity in the RK shall be issued single entry visas with the effective term up to 90 days or multiple visas with the effective term up to 3 years on the basis of a request of the RK authorized body on matters of investments.

Business visas

Foreign individuals entering the RK for the participation in conferences, forums, exhibitions, cultural, scientific and other events, and also for delivering lectures and teaching at educational establishments shall be issued business visas of category «D1». They may be single entry or multiple with the effective term of 90 days and the right of staying in the RK territory for not over 30 days in each entry.

Business visas of category «D2» shall be issued to persons who are going to the RK for the purpose of a short-term business trip, assembly, repair and technical maintenance of equipment. Such visas are executed for the effective term up to 1 year with the right of staying in the RK territory for not more than 60 days within a period of 180 days.

Visas of category «D3» shall be issued to foreigners who are sent to the RK for the purpose of escorting humanitarian aid, conducting negotiations, executing contracts, rendering consulting and auditor's services. The effective term of these visas will be up to 3 years and they will grant the right to stay for not more than 30 days in each entry. In this respect the total period of the foreigner's staying in the RK territory must not exceed 60 days during a period of 180 days.

According to the Rules, the effective terms of business visa on the invitation of legal entities shall not be extended.

Visas for the performance of labor activity

Visas for the performance of labor activity are also subdivided into five categories, from which visas of category «M1» are issued to foreign employees on the basis of permit for engagement of foreign workforce (work permit) or permission for independent employment (hereinafter – permission for employment) for a period up to 1 year or for the effective term of permission for employment.

It shall be allowed to extend the effective term of visas of category «M1» in the extension of permission for employment, in this respect only the party which offered an invitation for the obtaining of initial visa can file a request on the visa's extension.

Visas of category «M2» shall be issued to relatives of foreign employees who have the visas of category «M1».

Individuals who enter the RK for the purpose of submitting documents to the local executive bodies for obtaining permissions for employment shall be issued single entry visas of category «M3» with the effective term of 90 days with the right of staying in the RK for a period not over 30 days.

Visas of category «M4» with the effective term up to 1 year shall be issued to business-immigrants who come to the RK for the purpose of conducting entrepreneurial activity.

Visas of category «M5» shall be issued to seasonal employees and they can be of single entry, two and three entries with the effective term up to 1 year, but not over the effective term of permission for employment.

Simplified procedure for the issue of visas and registration of passports

The new Rules retain the simplified procedure for obtaining Kazakhstan visas for nationals of 48 developed countries (including, USA, Canada, Great Britain, Japan, Israel, Denmark, Australia, Bulgaria, Norway, Poland, Singapore, France, Spain, Germany, Korea, and others, who can obtain short-term visas of the RK without invitations (visa support).

Additionally, registration of passports of foreign nationals from 48 developed countries shall be carried out at the RK state border checkpoints when passing a passport-border control.

Other amendments

The Rules also contain other updated regulations, including the requirement to have in the passport at least two empty pages for the purpose of obtaining a visa; the possibility to use a certificate of refugee and a certificate of the person seeking refuge as a document replacing the passport.

Should you have any queries in connection with this Information Memorandum we would be glad to provide detailed information.

Best regards,

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