

# **The Law of the Republic of Kazakhstan on Citizenship of the Republic of Kazakhstan\***

(Unofficial Translation)

Citizenship of the Republic of Kazakhstan defines stable political and legal relations between the individual and the Government and reflects all their mutual rights and responsibilities. In the Republic of Kazakhstan each individual has the right to citizenship. Citizenship in the Republic of Kazakhstan is obtained and terminated in accordance with this Law.

Citizens of the Republic of Kazakhstan can under no circumstances be deprived of citizenship or the right to change citizenship or be exiled from Kazakhstan.

## **Chapter 1.**

### **General Provisions**

#### **Article 1. Citizen and State**

The Republic of Kazakhstan which is represented by its agencies and officials is responsible to the citizens of the Republic of Kazakhstan and the citizens of the Republic of Kazakhstan are responsible to the Republic of Kazakhstan. They are obliged to follow the Constitution and laws of the Republic of Kazakhstan, protect the interests of the Republic of Kazakhstan and its territorial integrity; respect the customs, traditions, state language and languages of every nationality living in Kazakhstan, assist in the strengthening of the power, sovereignty and independence of the Republic of Kazakhstan.

#### **Article 2. Legislation on Citizenship of the Republic of Kazakhstan**

Citizenship of the Republic of Kazakhstan is governed by the Constitution of the Republic of Kazakhstan and other legislative acts of the Republic of Kazakhstan issued in accordance with the Constitution.

#### **Article 3. Belonging to the Citizenship of the Republic of Kazakhstan**

Citizens of the Republic of Kazakhstan are individuals who:

acquired the citizenship of the Republic of Kazakhstan according to this Law;

are permanently residing in the Republic of Kazakhstan as of the date of this Law.

Dual citizenship is not recognized by the Republic of Kazakhstan.

The Republic of Kazakhstan allows for the return to Kazakhstan of individuals and their descendants who were forced to leave Kazakhstan during large periods of repression and forced

---

\* Source : [www.legislationline.org](http://www.legislationline.org)

collectivization, other periods of inhuman political actions and also the return of ethnic Kazaks living in other countries.

#### **Article 4. Citizenship Document**

The document confirming the citizenship of the Republic of Kazakhstan is an identification card or passport of the citizen of the Republic of Kazakhstan. Citizenship of children under 16 years old is confirmed by their birth certificates or the passport of either parent.

#### **Article 5. Legal Status of Citizens of the Republic of Kazakhstan**

Citizenship of the Republic Kazakhstan is uniform and equal regardless of the basis of its acquisition. Citizens of the Republic of Kazakhstan are equal before the law regardless of their origin, social or property status, racial or national background, gender, education, language, religious beliefs, political or other beliefs, type or nature of occupation, residence or any other circumstances. Citizens of the Republic of Kazakhstan have full civil, political, economic and social rights and freedoms proclaimed and guaranteed by the Constitution and laws of the Republic of Kazakhstan.

#### **Article 6. Legal Status of Citizens of Other States and Stateless Individuals**

Individuals residing in the Republic of Kazakhstan without holding citizenship have full rights and freedoms and are covered by the Constitution, unless exempt under laws and international agreements of the Republic of Kazakhstan.

#### **Article 7. Retaining of Citizenship of the Republic of Kazakhstan**

Residence abroad by a citizen of the Republic of Kazakhstan does not result in the cancellation of citizenship of the Republic of Kazakhstan.

In the case of marriage of a citizen of the Republic of Kazakhstan to an individual who is not the citizen of the Republic of Kazakhstan or in case of a divorce after such a marriage, citizenship is maintained.

#### **Article 8. Unacceptability of Extradition of a Citizen of the Republic of Kazakhstan to the Other State**

Citizen of the Republic of Kazakhstan cannot be extradited to a foreign state, unless authorized through international agreements with the Republic of Kazakhstan.

#### **Article 9. Protection of Citizens not residing in the Republic of Kazakhstan.**

The Republic of Kazakhstan guarantees protection and patronage to all its citizens living outside of the country.

### **Chapter 2**

## **OBTAINING CITIZENSHIP OF THE REPUBLIC OF KAZAKHSTAN**

#### **Article 10. Basis for Obtaining Citizenship**

Citizenship of the Republic of Kazakhstan is obtained:

- 1) when an individual is born in the Republic of Kazakhstan;
- 2) as a result of being granted citizenship of the Republic of Kazakhstan;
- 3) on the basis or according to procedures set down by international agreements of the Republic of Kazakhstan;
- 4) on other basis described elsewhere in this Law.

#### **Article 11. Citizenship of Children of Parents who have Citizenship of the Republic of Kazakhstan**

A child of parents who on the date of birth of the child have the citizenship of the Republic of Kazakhstan acquires citizenship of the Republic of Kazakhstan regardless of the place of birth. Should both parents on the date of birth of their child reside outside of the Republic of Kazakhstan, the citizenship of the child is acquired upon a written consent of both parents.

#### **Article 12. Citizenship of Children whose Parents have Different Citizenship**

Should one of the parents on the date of child's birth have different citizenship and the other be a citizen of the Republic of Kazakhstan, the child is a citizen of the Republic of Kazakhstan if:

- 1) he/she is born in the Republic of Kazakhstan;
- 2) he/she is born outside of the country but one of his/her parents or both of them have permanent residence in the Republic of Kazakhstan;

Should parents of a child on the date of his/her birth have different citizenship one of them being a citizen of the Republic of Kazakhstan but both parents at that period having a permanent residence outside of the Republic of Kazakhstan, the citizenship of the child born outside of the Republic of Kazakhstan is acquired upon written consent of both parents.

A child of whom one parent on the day of birth of the child has citizenship of the Republic of Kazakhstan and the other is a stateless individual or his/her citizenship is unidentified, is a citizen of the Republic of Kazakhstan regardless of the place of birth.

Should the mother of a child be a stateless individual and the father a citizen of the Republic of Kazakhstan, a child under the age of 14 becomes a citizen of the Republic of Kazakhstan regardless of the place of birth. Should the child permanently reside outside of the Republic of Kazakhstan, his/ her citizenship is acquired upon written request of both parents.

#### **Article 13. Citizenship of Children whose Parents are Unknown**

A child residing in the Republic of Kazakhstan whose parents are unknown is a citizen of the Republic of Kazakhstan.

#### **Article 14. Obtaining Citizenship of the Republic of Kazakhstan by Children of Stateless Individuals**

A child born in the Republic of Kazakhstan to stateless individuals permanently residing in the Republic of Kazakhstan is a citizen of the Republic of Kazakhstan.

### **Article 15. Granting of Citizenship of the Republic of Kazakhstan**

Citizens of other states and stateless individuals can acquire the citizenship of the Republic of Kazakhstan on their application according to this Law. The President of the Republic of Kazakhstan makes decisions on the applications for acquiring citizenship of the Republic of Kazakhstan.

### **Article 16. Conditions for Granting Citizenship of the Republic of Kazakhstan**

Citizenship of the Republic of Kazakhstan can be granted to:

1) individuals who have been permanently residing in the Republic of Kazakhstan for not less than five years or married to a citizen of the Republic of Kazakhstan.

Meeting the requirements stipulated under Subparagraph 1 of this Paragraph is not necessary when granting citizenship the Republic of Kazakhstan to under-aged or incapable individuals, or those who have rendered special services to the Republic of Kazakhstan, or those individuals and their descendants who have left the Republic of Kazakhstan due to political reasons, or if they returned to reside permanently in the Republic of Kazakhstan as their historical native land;

2) citizens of the republics of the former Soviet Union whose close relatives are citizens of the Republic Kazakhstan: children (including those adopted), spouses, one of the adoptive parents, sisters, grandparents regardless of the period of their residence in the Republic of Kazakhstan. Granting of citizenship to military servant stationed in the Republic of Kazakhstan is regulated by international agreements of the Republic of Kazakhstan.

### **Article 17. Basis of Refusal for Granting Citizenship of the Republic of Kazakhstan**

Applications for acquiring citizenship of the Republic of Kazakhstan will be refused if an applicant:

1) committed a crime against humanity as defined by international law or if he acts against the sovereignty or independence of the Republic of Kazakhstan;

2) is engaged in propaganda for infringement of unity and integrity of the territory of the Republic of Kazakhstan;

3) carries out illegal activity non conducive to the public security or public health;

4) creates interstate, international or religious hostility or acts against the operation of the official language of the Republic of Kazakhstan;

5) is arrested for terrorist activity;

6) is declared a dangerous recidivist by the court;

7) is a citizen of an other country.

## **Article 18. Repossession of Citizenship of the Republic of Kazakhstan**

Individual who were formerly citizens of the Republic of Kazakhstan can reacquire this upon their application according to the requirements of this Law.

### **Chapter 3**

## **CANCELLATION OF CITIZENSHIP**

### **Article 19. Basis for Cancellation of Citizenship**

Citizenship of the Republic of Kazakhstan is cancelled under the following circumstances:

- 1) renunciation of the citizenship of the Republic of Kazakhstan;
- 2) loss of citizenship of the Republic of Kazakhstan.

### **Article 20. Renunciation of Citizenship**

Renunciation of the citizenship of the Republic of Kazakhstan is authorized on the basis of the individual's application according to the procedure established by this Law.

Renunciation of the citizenship of the Republic of Kazakhstan might be rejected, if the applicant has outstanding obligations to the Republic of Kazakhstan or property obligations related to material interests of citizens, enterprises, institutions, organizations or public associations located in the Republic of Kazakhstan. Renunciation of the citizenship of the Republic of Kazakhstan will be refused, if the applicant has been convicted of a criminal offence or is serving a sentence in accordance with the court's decision, or if the individual's renunciation of the citizenship of the Republic of Kazakhstan conflicts with the interests of national security of the Republic of Kazakhstan.

### **Article 21. Loss of Citizenship**

Citizenship of the Republic of Kazakhstan is lost;

- 1) upon the individual's enlisting in the military service, security service, police, departments justice or other agencies of a government of another country, unless authorized by international agreements of the Republic of Kazakhstan;
- 2) if the citizenship of the Republic of Kazakhstan is obtained as a result of presentation of false information or false documents;
- 3) stipulated by interstate agreements of the Republic of Kazakhstan;
- 4) if an individual is permanently residing outside the Republic of Kazakhstan and has not reported to a Kazak mission abroad for five years without a valid reason. A child who is a citizen of the Republic of Kazakhstan but adopted by citizens of other countries can upon the prior parents request renounce the citizenship of the Republic of Kazakhstan, if the parents are permanently residing outside the Republic of Kazakhstan or in case that a parent with whom a child a going to stay renounces his/her citizenship of the Republic of Kazakhstan and leaves for a permanent residence outside the Republic of Kazakhstan.

## Chapter 4

### **CITIZENSHIP OF CHILDREN IN CASE OF CHANGED CITIZENSHIP OF PARENTS AND ADOPTION**

#### **Article 22. Change of Citizenship of Children in Case of Change of Citizenship of Parents**

Should both parents of a child change their citizenship and either become citizens of the Republic of Kazakhstan or renounce their citizenship of the Republic of Kazakhstan, the citizenship of any children under the age of 14 changes accordingly.

If only one of the parents is known and if the citizenship of this parent is altered, the citizenship of child under the age of 14 alters accordingly.

#### **Article 23. Obtaining Citizenship of the Republic of Kazakhstan by Children in Case of Obtaining Citizenship of the Republic of Kazakhstan by one of the Parents**

Should one of the parents become a citizen of the Republic of Kazakhstan while the other parent remains a citizen of another country or a stateless individual, the child under the age of 14 residing in the Republic of Kazakhstan can obtain the citizenship of the Republic of Kazakhstan upon application request and upon a written consent of both parents.

#### **Article 24. Retaining of Citizenship of the Republic of Kazakhstan by Children in Case of one Parent's Renunciation of Citizenship of the Republic of Kazakhstan**

Should one parent renounce his/her citizenship of the Republic of Kazakhstan while the other parent remains a citizen of the Republic of Kazakhstan, any child under the age of 14 retains the citizenship of the Republic of Kazakhstan. The child can be allowed to renounce the citizenship of the Republic of Kazakhstan upon application and upon a written consent of both parents.

#### **Article 25. Acquiring Citizenship of the Republic of Kazakhstan by a Child in case of Child's Adoption.**

Children under the age of 14 who are citizens of another country or stateless individuals who are then adopted by citizens of the Republic of Kazakhstan become citizens of the Republic of Kazakhstan.

Children under the age of 14 who are citizens of another country or stateless individuals who are then adopted by parents one of whom is a citizen of the Republic of Kazakhstan while the other is not becomes a citizen of the Republic of Kazakhstan based upon written consent of the adoptive parents.

#### **Article 26. Retaining Citizenship of the Republic of Kazakhstan by a Child under Guardianship**

Should both parents or a single parent of children under the age of 14 who are residing in the Republic of Kazakhstan renounce their citizenship of the Republic of Kazakhstan and are deprived their parent rights, upon the application of their guardian children retain the citizenship of the Republic of Kazakhstan.

### **Article 27. Retaining Citizenship of the Republic of Kazakhstan by Children in cases of Adoption**

Children under the age of 14 who are citizens of the Republic of Kazakhstan and whom are adopted by citizens of another country or stateless individuals, or by parents one of whom is a citizen of the Republic of Kazakhstan while the other is a citizen of another country or a stateless individual retains the citizenship of the Republic of Kazakhstan, should they reside in the Republic of Kazakhstan Such children can be allowed to renounce the citizenship of the Republic of Kazakhstan upon application of adoptive parents.

### **Article 28. Requirement of Consent of Children to Changing their Citizenship**

Change of citizenship of children aged 14 to 18 years old in cases of changes of citizenship of their parents or in cases of adoption is only possible with the consent of the children according to the procedure stipulated by Article 33 of this Law.

## **Chapter 5**

### **POWER OF THE PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN**

#### **AND STATE AGENCIES IN RELATION TO CITIZENSHIP ISSUES**

#### **Article 29. Power of the President of the Republic of Kazakhstan**

In the Republic of Kazakhstan the President of the Republic of Kazakhstan is an official who makes decisions on citizenship issues.

The President of the Republic of Kazakhstan makes decisions:

On granting citizenship of the Republic of Kazakhstan to citizens of other countries and stateless individuals residing in the Republic of Kazakhstan or outside the country;

On reacquiring of citizenship of the Republic of Kazakhstan;

On renunciation of citizenship of the Republic of Kazakhstan of citizens of the Republic of Kazakhstan who are permanently residents in the Republic of Kazakhstan or outside the country; On retention of the citizenship of the Republic of Kazakhstan in cases stipulated by this Law;

#### **Article 30. Power of Bodies of Internal Affairs**

The Ministry of Internal Affairs, administrations, departments of internal affairs of cities, regions and municipal districts:

- may accept applications related to Kazak citizenship from individuals permanently residing in the Republic of Kazakhstan along with required documents and submit them for review to the President of the Republic of Kazakhstan;

- may register those who obtain citizenship of the Republic of Kazakhstan or renounce the Republic of Kazakhstan according to interstate agreements of the Republic of Kazakhstan;

- may register the loss of citizenship of the Republic of Kazakhstan by individuals who are permanently resident in the Republic of Kazakhstan.

**Article 31. Power of the Ministry of Foreign Affairs , Diplomatic Missions and Consular Institutions of the Republic of Kazakhstan.**

Ministry of Foreign Affairs , diplomatic missions, consular institutions and authorized representatives of the Republic of Kazakhstan in other countries:

- may accept applications related to Kazak citizenship from individuals permanently residing outside the Republic of Kazakhstan with supporting documents and submit them for review to the President of the Republic of Kazakhstan;

- may register the loss of citizenship of the Republic of Kazakhstan by individuals permanently residing outside of the Republic of Kazakhstan;

- may register citizens of the Republic of Kazakhstan permanently residing outside of the Republic of Kazakhstan.

Should there be no diplomatic missions or consular institutions of the Republic of Kazakhstan in a certain country, diplomatic missions and consular institutions of other countries may implement these functions based on appropriate agreements.

**Chapter 6**

**PROCEEDINGS IN REVIEW OF APPLICATION AND STATEMENTS ON ISSUES RELATED TO CITIZENSHIP OF THE REPUBLIC OF KAZAKHSTAN**

**Article 32. Procedure for Submitting Application on Citizenship Issues**

Citizenship related applications are submitted to the President of the Republic of Kazakhstan through authorities specified in Articles 30 and 31 of this Law. Period for review of an application or statement should not exceed six months.

**Article 33. Form of Applications Related to Citizenship Issues**

Applications for acquiring citizenship, reacquiring citizenship or renunciation of citizenship may be reviewed upon written request of an applicant. Applications related to individuals under the age of 18 and incapable individuals are reviewed based upon request from their legal representatives authorized by a notary or, should it be outside of the country, by a diplomatic mission, consular institution or authorized representative office of the Republic of Kazakhstan.

When submitting an application for acquiring citizenship of the Republic of Kazakhstan, recovery of citizenship of the Republic of Kazakhstan or renunciation citizenship of the Republic of Kazakhstan by children aged 14 to 18 written consent of the children is required which must be authorized by a notary and, should it be outside the country, by a diplomatic mission, consular institution or authorized representative office of the Republic of Kazakhstan.

When submitting an application for renunciation of citizenship of the Republic of Kazakhstan by a child under the age of 14 one parent of whom remains a citizen of the Republic of Kazakhstan, a commendation from this parent should be presented where he/she indicates his/her opinion on the idea of his/her child renunciation of Kazak citizenship. Such a letter should be authorized by a



notary and, should it be outside of the country, by diplomatic mission, consular institution or authorized representative office of the Republic of Kazakhstan.

Should the applicant be unable to sign an application due to illiteracy or physical inability, an application of his/her request can be signed by other individuals who should be authorized by a public notary, diplomatic mission, consular institution or authorized representative office of the Republic of Kazakhstan. Documents indicating the identification of the applicant should be attached to the application for receiving citizenship.

#### **Article 34. Opinion on Citizenship Related Application**

Bodies of internal affairs, diplomatic missions, consular institutions or authorized representative offices of the Republic of Kazakhstan should submit their opinion on applications or statements related to citizenship issues together with a letter from the applicant where he/she assumes responsibility for observing conditions stipulated by Article 1 of this Law to the name of the President the Republic of Kazakhstan through the Ministry of Internal Affairs or the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs and a government agency dealing with migration should present a fair opinion to the President of the Republic of Kazakhstan on expediency of granting or reacquiring citizenship of the Republic of Kazakhstan of the applicant permanently residing outside of the country including the possibility of his/her employment, housing and other accommodation in the Republic of Kazakhstan.

Opinions on the applications for renunciation of citizenship of the Republic of Kazakhstan should indicate precise information on any outstanding obligations of the applicant to the Government or his/her property obligations related to material interests of citizens or enterprises, institutions and organizations, public associations, on criminal charges against him/her or him/her serving a sentence in accordance with the court's decision or his/her exiting a citizenship of the Republic of Kazakhstan being against the interests of the national security of the Republic of Kazakhstan.

#### **Article 35. Commission under the President of the Republic of Kazakhstan Dealing with Citizenship Issues**

The President of the Republic of Kazakhstan has established a commission for preliminary consideration of citizenship issues specified in Article 29 of this Law. When reviewing applications and statements related to citizenship the Commission considers thoroughly the applicant's position, the content of the statement, the opinion of Government agencies, other documents and attested statements of witnesses.

The Commission has the right to request within a certain time documents and materials on the case under review from Government agencies and public associations which present specified information. The Commission presents recommendations on each application and statement to the President of the Republic of Kazakhstan. The meetings of the Commission are only official when more than a half of the members are present. The decision is agreed by a simple majority of votes. The decision of the Commission is registered in the minutes and signed by all members of the Commission who participated in the meeting.

#### **Article 36. Citizenship Acts**

A decree of the President of the Republic of Kazakhstan is issued on the granting, changing or refusing an application for citizenship.

New applications for citizenship are only reviewed a year after the previous decision was taken. Should a significant circumstance arise of which the applicant was not and could not be previously aware, the new application may be reviewed in a shorter period of time.

### **Article 37. Period of Acquiring or Losing Citizenship**

Citizenship of the Republic of Kazakhstan is acquired on the day:

1) of issuance of the Decree of the President of the Republic of Kazakhstan on granting citizenship; 2) of birth or adoption of minors;

3) of issuance of the Decree of the President of the Republic of Kazakhstan on granting citizenship of the Republic of Kazakhstan to parents of minors;

4) of registration according to the procedure stipulated in interstate agreements; Citizenship of the Republic of Kazakhstan is cancelled on the day:

of issuance of the Decree of the President of the Republic of Kazakhstan on loss of citizenship;

of registration of its loss by the Government agencies according to the procedures stipulated in this Law;

of registration of renunciation of citizenship of the Republic of Kazakhstan according to the procedure stipulated in the interstate agreements of the Republic of Kazakhstan

### **Article 38. Period of Residence in the Republic of Kazakhstan**

The period of residence in the country specified in Paragraph 1 of Article 16 of this Law includes:

period of military service, providing the individual previously resided in the country and the interval between the day of dismissal from the army and the day of re-entering the Republic of Kazakhstan for permanent residence did not exceed three months;

period of study abroad, providing the interval between the day of completing studies or leaving an educational establishment and the day of re-entering the Republic of Kazakhstan does not exceed three months;

period of travel outside the country, providing the interval between the end of travel and the day of re-entering the Republic of Kazakhstan does not exceed three months;

Calculation of the three-month period as specified in Part 1 of this Article may be extended for reasons of illness, natural disasters or other valid reasons. The period of residence in the country does not include periods of serving sentences determined by the court of other countries or the period of residence in the country during travel, medical treatment or other cases of temporary residence.

A period of residence in the Republic of Kazakhstan does not include the period prior to the cancellation of citizenship of the Republic of Kazakhstan.

## **Chapter 7**

### **EXECUTION OF DECISIONS ON CITIZENSHIP**

#### **Article 39. Bodies Executing Decisions on Citizenship of the Republic of Kazakhstan**

Execution of decisions on citizenship related to individuals permanently residing in the Republic of Kazakhstan is assigned to the Ministry of Internal Affairs of the Republic of Kazakhstan, administrations, departments of internal affairs, cities, regions and municipal districts and in relation to individuals residing in other countries to the Ministry of Foreign Affairs of the Republic of Kazakhstan, appropriate diplomatic missions, consular institutions or authorized representative offices of the Republic of Kazakhstan.

Individuals who obtained citizenship of the Republic of Kazakhstan are issued a passport of the Republic of Kazakhstan by bodies of internal affairs, or by diplomatic missions or consular institutions. There is an appropriate stamp indicating citizenship of the Republic of Kazakhstan that is made in passports of children under the age of 16.

Individuals residing in the Republic of Kazakhstan whose Kazak citizenship is cancelled are issued residence permits by bodies of internal affairs.

#### **Article 40. Control over Execution of Decisions on Citizenship**

The Commission under the President of the Republic of Kazakhstan dealing with citizenship implement; control over execution of decisions on citizenship.

## **Chapter 8**

### **APPEAL AGAINST DECISIONS ON CITIZENSHIP**

#### **Article 41. Appeal Against Decisions on Citizenship**

Decisions on citizenship can be reversed by the President of the Republic of Kazakhstan. Complaints on decisions on citizenship or loss of citizenship are submitted to the President of the Republic of Kazakhstan.

It is possible to appeal against unreasonable refusal of applications on citizenship, violation of the period of review of applications, or other incompetent actions of officials which violate procedures for reviewing applications or procedures for executing decisions on citizenship under the law to a higher authority or court.

## **Chapter 9**

### **INTERSTATE AGREEMENTS**

#### **Article 42. Application of Interstate Agreements**

Should an interstate agreement of the Republic of Kazakhstan establish rules other than those specified by this Law, rules of the interstate agreement should take precedence.

N.Nazarbaev

President of the Republic of Kazakhstan

Almaty, December 20, 1991 #1017-XII