



## **On approval of the Rules for processing documents for permanent residence outside the Republic of Kazakhstan**

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated March 28, 2012 No. 361. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 758

#### *Unofficial translation*

**Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 758 (shall be put into effect ten calendar days after the date of its first official publication).**

Pursuant to sub-paragraph 25-1) of Article 4 of the Law of the Republic of Kazakhstan “On Education”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

**Footnote. The Preamble - as reworded by Decree of the Government of the Republic of Kazakhstan No. 850 of 26.10.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

1. Approve the attached Rules for processing documents for permanent residence outside the Republic of Kazakhstan.

2. Declare to be no longer in force:

1) Decree of the Government of the Republic of Kazakhstan No. 1010 dated July 26, 2001 “On the Rules for travel of citizens of the Republic of Kazakhstan outside the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2001, No. 28, Article 354);

2) Decree of the Government of the Republic of Kazakhstan dated May 31, 2006 No. 479 “On amendments and additions to the Decree of the Government of the Republic of Kazakhstan No. 1010 dated July 26, 2001” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2006, No. 20, Article 196);

3) Decree of the Government of the Republic of Kazakhstan No. 1080 dated November 13, 2007 “On amendments to the Decree of the Government of the Republic of Kazakhstan No. 1010 dated July 26, 2001” (Collected Acts of the President and the Government of the Republic of Kazakhstan 2007, No. 43, Article 505).

3. This Decree shall be enforced upon expiry of ten calendar days after the first official publication.

**Rules  
for processing documents for permanent residence  
outside the Republic of Kazakhstan**

1. These Rules for processing documents for permanent residence outside the Republic of Kazakhstan (hereinafter referred to as the Rules) shall be developed in accordance with the Constitution of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan dated July 22, 2011 “On migration of population”, other regulatory legal acts and determine the procedure procession of documents for travel of citizens of the Republic of Kazakhstan outside the Republic of Kazakhstan for permanent residence.

**Footnote. Paragraph 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated September 29, 2017 No. 610 (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

2. Citizens of the Republic of Kazakhstan travel outside the Republic of Kazakhstan and freely return to the Republic of Kazakhstan. Travel and return shall be carried out according to passport of citizen of the Republic of Kazakhstan.

3. Citizens of the Republic of Kazakhstan shall be temporarily refused to leave the Republic of Kazakhstan on the grounds provided for in Article 56 of the Law of the Republic of Kazakhstan dated July 22, 2011 "On population migration."

The departure of a citizen of the Republic of Kazakhstan abroad may be temporarily limited for the period provided for by the labor agreement (contract), when obtaining admission to state secrets.

**Footnote. Paragraph 3 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 12.11.2020 № 760 ( shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

4. Citizens of the Republic of Kazakhstan who have committed themselves to the extent possible of restricting their travel outside the Republic of Kazakhstan in connection with their access to the state secrets (hereinafter referred to as individual with access to state secrets) and intending to go abroad must obtain permission in advance for travel from the heads of those state authorities or other organizations where they signed these obligations (hereinafter referred to as organizations).

In cases of reorganization of organizations, a decision on possibility of an individual with access to state secrets traveling outside the Republic of Kazakhstan shall be taken by the heads of organizations that are their successors.

The decision to issue a permit for travel of an individual with access to state secrets shall be made by the heads of organizations independently, taking into account the obligations undertaken by the secretaries and their actual knowledge in information constituting state secrets. In this case, a conclusion on actual knowledge of a person in information constituting state secrets shall be sent to the national security authorities.

During liquidation (abolition) of organizations, the decision on possibility of travel shall be made by the heads of territorial national security authorities at the place of residence of an individual with access to state secrets.

A permit or reasoned refusal to travel outside the Republic of Kazakhstan shall be issued within the period established by legislation for the consideration of citizens' applications.

In the event of unauthorized travel outside the Republic of Kazakhstan, an individual with access to state secrets may be brought to disciplinary or other liability provided by the legislation of the Republic of Kazakhstan.

5. Travel for permanent residence from the Republic of Kazakhstan shall be carried out after processing of documents for departure by the internal affairs authorities.

**Footnote. Paragraph 5 as amended by the Decree of the Government of the Republic of Kazakhstan dated 04.02.2014 No. 54 (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

6. Applications for permanent residence outside the Republic of Kazakhstan may be addressed by persons who have reached the age of eighteen years, and those who have been married are sixteen years old. Documents for children and citizens recognized by the court as disabled shall be submitted by their legal representatives (parents, guardians, trustees).

7. In order to travel to for permanent residence outside the Republic of Kazakhstan, the following documents shall be submitted to the internal affairs authorities at the place of permanent residence by the citizens of the Republic of Kazakhstan personally or by their legal representatives:

- 1) application form;
- 2) identity card and passport of a citizen of the Republic of Kazakhstan, birth certificates of children under the age of sixteen;
- 3) an alimony agreement entered into under the procedure laid down in Chapter 22 of the Code on Marriage (Matrimony) and the Family (hereinafter the Code), if the family members of the leaver to whom he or she is legally obliged to provide maintenance reside permanently in the territory of the Republic of Kazakhstan. If the leaver fails to reach an agreement, a court decision shall be presented to establish the

amount of maintenance in fixed sum or a lump sum, or to provide certain property as maintenance, or to pay the maintenance in some other way, or to establish that the leaver has no statutory obstacles to leaving the country.

Note: the Code classifies family members who are recipients of maintenance as alimony recipients:

minor children;

parents;

a spouse who is incapable of working and in need;

a spouse, including a former spouse, during pregnancy and within three years of the birth of a common child;

a spouse in need, including a former spouse caring for a common child with a disability until the child reaches the age of eighteen, and if a common child with a disability upon reaching the age of eighteen is assigned a first or second disability group;

a former spouse who is incapable of working and who became incapable of working prior to the dissolution of the marriage (marital union);

minor siblings in need of assistance

underage grandchildren in need of support;

grandparents who are incapable of work and in need of support;

incapacitated persons in need of support who have actually brought up and supported minor children;

incapacitated step-parents who are incapable of work and in need of support and who have brought up and maintained their step-parents;

3-1) a settlement agreement concluded with the grantor, approved by the court; agreement to settle the dispute with the collector in mediation; documents confirming execution of the enforcement or other requirement of the execution document; documents confirming the cancellation of the decision of the relevant body, on the basis of which an executive document was issued, if a citizen of the Republic of Kazakhstan shall be a debtor for executive proceedings;

4) certificate of deregistration;

5) report of guardianship and custody authorities on taking into account the views of a child who has reached the age of ten when making a decision on his/her travel with his/her parents or other legal representatives;

6) upon travel for permanent residence of citizens of the Republic of Kazakhstan who have not reached the age of eighteen years, together with one of the parents (guardian, trustee) - notarized consent of other parent living in the Republic of Kazakhstan. In the absence of consent, travel of a minor may be permitted in court;

7) copy of document confirming the payment of the state fee or consular fee.

In the absence of information on registration in the territory of the Republic of Kazakhstan of persons specified in Subparagraphs 3) and 6) of this Paragraph, a citizen applying for travel shall apply to the internal affairs authorities to establish the fact of their registration in the country.

Requesting other documents from citizens shall not be allowed.

Footnote. Paragraph 7 is in the wording by the Decree of the Government of the Republic of Kazakhstan No. 610 dated 29.09.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the resolution of the Government of the Republic of Kazakhstan dated 12.11.2020 № 760 ( shall be enforced upon expiry of ten calendar days after the day of its first official publication); No. 850 of 26.10.2022 (shall be promulgated ten calendar days after the date of its first official publication).

8. The internal affairs authorities at the applicant's place of permanent residence shall verify that citizens who have applied for permanent residence outside the Republic of Kazakhstan have no reason to refuse to travel outside the Republic of Kazakhstan.

Requests of internal affairs authorities regarding citizens who have applied for travel outside the Republic of Kazakhstan for permanent residence shall be considered by the interested state authorities within ten calendar days from the moment the request is received by state authorities.

Footnote. Paragraph 8 is in the wording by the Decree of the Government of the Republic of Kazakhstan No. 54 dated 04.02.2014 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

9. The decision for processing documents for permanent residence outside the Republic of Kazakhstan shall be made no later than thirty calendar days from the date of submission of all documents listed in Paragraph 7 of these Rules.

If there are grounds for refusing to grant permission to a citizen of the Republic of Kazakhstan to leave the country for permanent residence, the relevant documents shall not be executed.

In all cases of restriction of the right to leave the Republic of Kazakhstan for permanent residence, the internal affairs authorities shall issue a notification to the citizen of the Republic of Kazakhstan stating the basis and term of restriction and procedure for appealing against this decision.

Citizens of the Republic of Kazakhstan traveling outside the Republic of Kazakhstan for permanent residence, regardless of their age, shall be issued a passport of a citizen of the Republic of Kazakhstan. Their identity cards shall be handed over to the internal affairs authority, which has drawn up documents for permanent residence outside the Republic of Kazakhstan.

Footnote. Paragraph 9 is in the wording by the Decree of the Government of the Republic of Kazakhstan No. 610 dated 29.09.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

10. Citizens of the Republic of Kazakhstan who have left the Republic of Kazakhstan on temporary affairs and have expressed a desire to stay there for permanent residence, shall apply to foreign authorities of the Republic of Kazakhstan. The application shall be accompanied by the documents referred to in Paragraph 7 of these Rules.

In case of absence, loss or expiration of identity card of a citizen of the Republic of Kazakhstan, an applicant shall submit an explanation.

A foreign authority of the Republic of Kazakhstan, an application with documents, copies of a passport and birth certificates of children, shall be sent to the internal affairs authorities at the last place of registration of an applicant in the Republic of Kazakhstan to prepare documents for leaving the Republic of Kazakhstan for permanent residence. The internal affairs authority shall consider the documents received and make a decision on issuing a permit for permanent residence outside the Republic of Kazakhstan regardless of whether the applicant has permanent registration in the territory of the Republic of Kazakhstan at the time of application.

Footnote. Paragraph 10 is in the wording by the Decree of the Government of the Republic of Kazakhstan No. 610 dated 29.09.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication).