

Law No. 1017-XII of 20.12.91 of the Republic of Kazakhstan
“On citizenship of the Republic of Kazakhstan”
(with amendments introduced by the Decree of the President RK of 03.10.95;
the Law RK No. 322-II of 17.05.02)

See previous editions

On enactment of this Law see the **Resolution** of the Supreme Soviet RK of 20 December 1991

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*Amendments and additions have been introduced in accordance with the **Decree** of the President RK of 03.10.95*

The citizenship of the Republic of Kazakhstan determines the stable political and legal relationship of a person with a state that expresses the totality of their reciprocal rights and obligations.

In the Republic of Kazakhstan, each human being has the right to citizenship. The citizenship in the Republic of Kazakhstan is acquired and terminated in accordance with this Law.

The citizen of the Republic of Kazakhstan under no circumstances is deprived of the citizenship, the right to change his/her citizenship and also to be expatriated beyond the boundaries of Kazakhstan.

Chapter 1. General provisions

*Article 1 has been amended in accordance with the **Law** RK No. 322 – II of 17.05.02 (**see previous edition**)*

Article 1. Citizen and state

The Republic of Kazakhstan in person of its state authorities and officials is responsible before the citizens of the republic and the citizen of the Republic of Kazakhstan is responsible before the Republic of Kazakhstan. He is obliged to observe the **Constitution** and laws of the Republic of Kazakhstan, defend the interests of the Republic of Kazakhstan, its territorial integrity, respect the customs, traditions, state language and languages of all nationalities residing in its territory, further the strengthening of the power, sovereignty and independence of the Republic of Kazakhstan.

Article 2. Legislation on the citizenship of the Republic of Kazakhstan

The citizenship of the Republic of Kazakhstan is regulated by the **Constitution** of the Republic of Kazakhstan, this Law and other legislative acts of the Republic of Kazakhstan passed in accordance with them.

*Article 3 has been amended in accordance with the **Decree** of the President of the Republic of Kazakhstan of 3.10.95; the **Law** RK No. 322 – II of 17.05.02 (**see previous edition**)*

Article 3. Belonging to the citizenship of the Republic of Kazakhstan

The citizens of the Republic of Kazakhstan are persons who:

- permanently reside in the Republic of Kazakhstan at the day of coming into force of this Law;
- were born in the territory of the Republic of Kazakhstan and are not citizens of a foreign state;
- acquired the citizenship of the Republic of Kazakhstan under this Law.

The citizens of the Republic of Kazakhstan are not considered the citizens of another state.

The Republic of Kazakhstan **creates conditions** for return on its territory of persons who were forced to leave the territory of the republic in periods of mass reprisals, forced collectivization, as a result of other antihuman political actions, and their descendants and for the Kazakh who live in the territory of other states.

*Article 4 has been amended in accordance with the **Decree** of the President of the Republic of Kazakhstan of 3.10.95; the **Law** RK No. 322 – II of 17.05.02 (**see previous edition**)*

Article 4. Document on the citizenship

The document that confirms the citizenship of the Republic of Kazakhstan is **an identity card or passport of a citizen of the Republic of Kazakhstan**. The citizenship of a child under 16 is confirmed by his certificate of birth, passport of either parent.

Article 5 has been added in accordance with the Decree of the President of the Republic of Kazakhstan of 3.10.95.

Article 5. Legal status of citizens of the Republic of Kazakhstan

The citizenship of the Republic of Kazakhstan is one and equal irrespective of the reason of its acquiring.

The citizens of the Republic of Kazakhstan are equal before the law irrespective of the origin, social and property status, racial and national belonging, gender, education, language, attitude to the religion, political and other beliefs, type and nature of occupation, place of residence or other any circumstances.

The citizens of the Republic of Kazakhstan possess the fullness of civil, political, economic and social rights and freedoms proclaimed and guaranteed by the Constitution and laws of the Republic of Kazakhstan.

Article 6 is stated in the edition of the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 6. Legal status of foreigners and stateless persons

Foreigners and stateless persons enjoy in the Republic of Kazakhstan the rights and freedoms, bear obligations established for citizens, unless otherwise stipulated by the Constitution, laws and international treaties.

Article 7. Reservation of the citizenship of the Republic of Kazakhstan

The stay of a citizen of the Republic of Kazakhstan beyond the boundaries of the republic does not result in termination of the citizenship.

The marriage of a citizen of the Republic of Kazakhstan with a person who is not a citizen of the republic as well as dissolution of such marriage do not result in a change of the citizenship.

Article 8 has been amended in accordance with the Decree of the President of the Republic of Kazakhstan of 3.10.95.

Article 8. Inadmissibility of extradition of a citizen of the Republic of Kazakhstan to other state

The citizen of the Republic of Kazakhstan may not be extradited to the other state, unless otherwise established by international treaties of the republic.

Article 9 is stated in the edition of the Decree of the President RK of 3.10.95

Article 9. Protection of citizens who are beyond the boundaries of the Republic of Kazakhstan

The Republic of Kazakhstan guarantees its citizens the protection and patronage beyond its boundaries.

Chapter 2. Acquisition of the citizenship of the Republic of Kazakhstan

Clause 3 of Article 10 is stated in the edition of the Decree of the President RK of 3.10.95

Article 10. Reasons for acquisition of the citizenship

The citizenship of the Republic of Kazakhstan is acquired:

- 1) by birth;
- 2) as a result of admission to the citizenship of the Republic of Kazakhstan;
- 3) on the reasons or in accordance with the procedure stipulated by interstate treaties of the Republic of Kazakhstan;
- 4) on other reasons stipulated by this Law.

*The simplified (registration) procedure for acquiring the citizenship RK by citizens RF who arrive for a permanent residence in RK see **instructions** approved by the order No. 344 of 23.09.97 of the Ministry of Internal Affairs*

*Article 11 has been amended in accordance with the **Law** RK No. 322-II of 17.05.02 (**see previous edition**)*

Article 11. Citizenship of a child whose parents have citizenship of the Republic of Kazakhstan

The child whose both parents at the moment of his birth have the citizenship of the Republic of Kazakhstan is a citizen of the Republic of Kazakhstan irrespective of the place of birth.

*Article 12 has been amended in accordance with the **Law** RK No. 322-II of 17.05.02 (**see previous edition**)*

Article 12. Citizenship of a child whose parents have different citizenships

If the parents have different citizenships, one of them at the moment of his birth has the citizenship of the Republic of Kazakhstan, the child is a citizen of the Republic of Kazakhstan if he was born:

- 1) in the territory of the Republic of Kazakhstan;
- 2) beyond the boundaries of the Republic of Kazakhstan, but his parents or one of them has the permanent place of residence in the territory of the Republic of Kazakhstan.

If the parents have different citizenships one of them at the moment of his birth has the citizenship of the Republic of Kazakhstan, if by this time both parents had the permanent place of residence beyond the boundaries of the Republic of Kazakhstan, the citizenship of a child who was born beyond the boundaries of the Republic of Kazakhstan is determined by the agreement of the parents expressed in a written form.

The child whose one of the parents at the moment of his birth had the citizenship of the Republic of Kazakhstan and the other was a stateless person or his citizenship is unknown, is a citizen of the Republic of Kazakhstan irrespective of the place of birth.

In case when the fatherhood of a child is established but the mother is a stateless person and the father is acknowledged a citizen of the Republic of Kazakhstan the child under 14 becomes a citizen of the Republic of Kazakhstan irrespective of the place of birth. If a child permanently resides beyond the boundaries of the Republic of Kazakhstan, his citizenship is determined by a written application of his parents.

*Article 13 has been amended in accordance with the **Law** RK No. 322-II of 17.05.02 (**see previous edition**)*

Article 13. Citizenship of a child whose parents are unknown

The child who is in the territory of the Republic of Kazakhstan whose both parents are unknown is a citizen of the Republic of Kazakhstan.

Article 14 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 14. Acquisition of the citizenship of the Republic of Kazakhstan by a child of stateless persons

The child who was born in the territory of the Republic of Kazakhstan with stateless persons who have the permanent place of residence in the territory of the Republic of Kazakhstan is a citizen of the Republic of Kazakhstan.

Article 15 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 15. Admission to the citizenship of the Republic of Kazakhstan

Foreigners and stateless persons may be admitted to the citizenship of the Republic of Kazakhstan on the basis of their petition under this Law.

The decision on the petition to be admitted to the citizenship is made by the President of the Republic of Kazakhstan.

Some issues on admission to the citizenship see in the Decree No. 3120 of 27.09.96 of the President RK “On the procedure for consideration of issues related to the citizenship of the Republic of Kazakhstan” and instructions “On the procedure for consideration by authorities of internal affairs of issues related to the citizenship.

Article 16 is stated in the edition of the Decree of the President of the Republic of Kazakhstan of 3.10.95; amendments have been introduced under the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 16. Conditions of admission to the citizenship of the Republic of Kazakhstan

To the citizenship may be admitted:

- 1) persons who permanently reside in the territory of the Republic of Kazakhstan on legal grounds not less than 5 years (*5-year-term must be uninterrupted*) or who are married with persons of the Republic of Kazakhstan for not less than 3 years.

The availability of conditions stipulated by paragraph 1 of this subclause is not required when to the citizenship are admitted the minors, incapable and persons who have special merits before the Republic of Kazakhstan as well as persons who left the territory of the Republic of Kazakhstan and their descendants, if they returned for permanent residence to the Republic of Kazakhstan as to the historical mother country;

- 2) citizens of former union republics who arrived with the aim of permanent residence to the Republic of Kazakhstan and who have one of close relatives – citizens of the Republic of Kazakhstan: of a child (including an adopted child), a spouse, one of parents (adoptive

parent), sister, brother, grandfather of grandmother irrespective of the term of their residence in the Republic of Kazakhstan.

Issues of the citizenship of military men who are in the active service and deployed in the territory of the Republic of Kazakhstan are determined by inter-state agreements of the Republic of Kazakhstan.

Article 17 has been amended in accordance with the Decree of the President of the Republic of Kazakhstan of 3.10.95; the Law RK No. 322 – II of 17.05.02 (see previous edition)

Article 17. Reasons of rejection to admit to the citizenship of the Republic of Kazakhstan

The petition on admission to the citizenship of the Republic of Kazakhstan is rejected, if a person who petitions for this:

- 1) committed a crime against the mankind stipulated by the international law, knowingly acts against sovereignty and independence of the Republic of Kazakhstan;
- 2) calls on violation of the unity and integrity of the territory of the Republic of Kazakhstan;
- 3) carries out the unlawful activity that causes damage to the state security, health of the population;
- 4) rouses the interstate, interethnic and religious hostility, counteracts the functioning of the state language of the Republic of Kazakhstan;
- 5) convicted for terrorist activity;
- 6) acknowledged by the court as an **especially dangerous recidivist**;
- 7) is a citizen of other states.

The provisions of subclause 7 of part 1 of this article are not applied to persons stated in paragraph 2 of subclause 1 of part 1 of **Article 16** of this Law and who applied authorities of internal affairs with a written application on refusal from a foreign citizenship. Information on such applying when such persons are admitted to the citizenship of the Republic of Kazakhstan their foreign passports are sent to foreign states.

Article 18 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 18. Restoration of the citizenship of the Republic of Kazakhstan

A person who previously had the citizenship of the Republic of Kazakhstan may be restored on the ground of his petition the citizenship of the Republic of Kazakhstan in accordance with requirements of this Law. Restoration of the citizenship of the Republic of Kazakhstan see in the **Decree** of the President RK of 27.09.96.

Under the Law RK No. 2143-XII of 14.04.93 “On rehabilitation of mass reprisals victims” are subject to restoration of the citizenship of the Republic of Kazakhstan in the application (registration) order all rehabilitated persons under the above-stated Law who were deprived or lost the citizenship without their will as well as their descendants.

The provision of subclause 1 of part 1 of **Article 16** of this Law is not applied to a person who previously was a citizen of the Republic of Kazakhstan.

Chapter 3. Termination of the citizenship

Article 19. Reasons for termination of the citizenship

The citizenship of the Republic of Kazakhstan is terminated as a result of:

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

Article 20. Withdrawal from the citizenship

Withdrawal from the citizenship of the Republic of Kazakhstan is allowed on the basis of a petition of a person in the order established by this Law.

Withdrawal from the citizenship of the Republic of Kazakhstan may be refused, if a person who petitions on withdrawal has not fulfilled obligations before the Republic of Kazakhstan or property obligations with which are connected material interests of citizens or enterprises, institutions and organizations, social associations situated in the territory of the Republic of Kazakhstan.

Withdrawal from the citizenship of the Republic of Kazakhstan is not allowed, if a person who petitions on withdrawal was instituted criminal proceedings as a defendant or serves sentence on a forcible verdict of the court, or if withdrawal of a person from the citizenship of the Republic of Kazakhstan contradicts the interests of the state security of the Republic of Kazakhstan.

Withdrawal from the citizenship of the Republic of Kazakhstan see in the **Decree** of the President RK of 27.09.96

*Article 21 has been amended in accordance with the **Decree** of the President RK of 03.10.95; the **Law** RK No. 322-II of 17.05.02 (**see previous edition**)*

Article 21. Loss of the citizenship

The citizenship of the Republic of Kazakhstan is lost:

- 1) as a result of entry of the military service, security service, police, justice authorities or other bodies of the state authorities and government of the other state except for cases stipulated by the international treaties of the Republic of Kazakhstan;
- 2) if the citizenship of the Republic of Kazakhstan is acquired as a result of submission of false information or faked documents;
- 3) on the grounds stipulated by the international treaties of the Republic of Kazakhstan;
- 4) if a person who permanently resides beyond the boundaries of the Republic of Kazakhstan was not registered with the consulate without any good reasons during 3 years.

Loss of the citizenship see in the Decree of the President RK of 27.09.96

*Heading of Chapter 4 and Article 22 have been amended in accordance with the **Law** RK No. 322-II of 17.05.02 (**see previous edition**)*

Chapter 4. Citizenship of a child when the citizenship of parents is changed and in adoption

Article 22. Change in the citizenship of a child when the citizenship of parent is changed

When the citizenship of parents is changed as a result of which both of them became citizens of the Republic of Kazakhstan or when which both of them exit the citizenship of the Republic of Kazakhstan, the citizenship of their child under 14 is changed respectively.

If one of parents of a child is known, then when the citizenship of the parent is changed, the citizenship of a child under 14 is changed respectively.

Article 23 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition.)

Article 23. Acquisition of the citizenship of the Republic of Kazakhstan by a child when the citizenship of the Republic of Kazakhstan is acquired by one of parents

If one of parents becomes a citizen of the Republic of Kazakhstan and the other remains to be a citizen of the other state or a stateless person, a child under 14 who resides in the territory of the Republic of Kazakhstan may acquire the citizenship of the Republic of Kazakhstan on the basis of a written petition on it of his parents.

Article 24 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition.)

Article 24. Reservation of the citizenship of the Republic of Kazakhstan by a child when one of parents exits the citizenship of the Republic of Kazakhstan

When one of parents exits the citizenship of the Republic of Kazakhstan and the other remains to be a citizen of the Republic of Kazakhstan, a child under 14 reserves the citizenship of the Republic of Kazakhstan. On a written petition of parents such child may be allowed to exit from the citizenship of the Republic of Kazakhstan.

Article 25 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition.)

Article 25. Acquisition of the citizenship of the Republic of Kazakhstan by a child in case of adoption

A child under 14 who is a citizen of the other state or a stateless person adopted by citizens of the Republic of Kazakhstan becomes a citizen of the Republic of Kazakhstan. A child under 14 who is a citizen of the other state or a stateless person adopted by spouses one of which is a citizen of the Republic of Kazakhstan and the other not, becomes a citizen of the Republic of Kazakhstan with the written consent of adoptive parents.

Article 26. Reservation of the citizenship of the Republic of Kazakhstan by a child under guardianship

If both parents or the only parent of a child under 14 who resides in the territory of the Republic of Kazakhstan exit the citizenship of the Republic of Kazakhstan and, in this, are deprived of

parental rights, a child on a petition of a guardian reserves the citizenship of the Republic of Kazakhstan.

Article 27 is stated in the edition of the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 27. Reservation of the citizenship of the Republic of Kazakhstan by a child in case of adoption

A child who is a citizen of the Republic of Kazakhstan adopted by foreigners reserves the citizenship of the Republic of Kazakhstan till attaining his majority.

A child adopted by citizens of the Republic of Kazakhstan, when both adoptive parents or one of them exit the citizenship of the Republic of Kazakhstan, reserves the citizenship of the Republic of Kazakhstan till attaining his majority.

Withdrawal from the citizenship of the Republic of Kazakhstan of such a child is allowed only when he attains his majority on his will.

Article 28 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition.)

Article 28. The necessity of a child's consent in case of change in his citizenship

The change in the citizenship of a child of 14-18 years in case of the change in the citizenship of his parents and in case of adoption may occur only with the consent of the child in the order stipulated by Article 33 of this Law.

Chapter 5. Powers of the President of the Republic of Kazakhstan and state authorities related to citizenship issues

Article 29 has been amended in accordance with the Decree of the President RK of 03.10.95; the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 29. Powers of the President of the Republic of Kazakhstan

In the Republic of Kazakhstan, the official who makes decision on the citizenship issues is the President of the Republic of Kazakhstan.

The President of the Republic of Kazakhstan makes decision:

- on admission to the citizenship of the Republic of Kazakhstan;
- on restoration of citizenship of the Republic of Kazakhstan;
- on withdrawal from the citizenship of the Republic of Kazakhstan.

Article 30 is stated in the edition of the Decree of the President RK of 03.10.95

Article 30. Powers of bodies of internal affairs

The Ministry of Internal Affairs of the Republic of Kazakhstan, administration, departments of internal affairs of oblasts, cities, districts and districts of the cities:

- accept from persons who permanently reside in the Republic of Kazakhstan applications related to issues of the citizenship of the Republic of Kazakhstan and together with other necessary documents send them for review by the President of the Republic of Kazakhstan;
- carry out registration of the acquisition of the citizenship of the Republic of Kazakhstan and withdrawal from the citizenship of the Republic of Kazakhstan stipulated by international treaties of the Republic of Kazakhstan;
- register the loss of the citizenship of the Republic of Kazakhstan of persons who permanently reside in the territory of the Republic of Kazakhstan.

Article 31. Powers of the Ministry of Foreign Affairs of the Republic of Kazakhstan, diplomatic representations and consular institutions of the Republic of Kazakhstan

The Ministry of Foreign Affairs, diplomatic representations and consular institutions of the Republic of Kazakhstan, authorized representations of the Republic of Kazakhstan in other states:

- accept from persons who permanently reside beyond the boundaries of the Republic of Kazakhstan applications related to issues of the citizenship of the Republic of Kazakhstan and together with other necessary documents send them for review by the President of the Republic of Kazakhstan;
- carry out registration of the loss of the citizenship of the Republic of Kazakhstan by persons who permanently reside beyond the boundaries of the Republic of Kazakhstan;
- register citizens who permanently reside beyond the boundaries of the Republic of Kazakhstan.

In case of the absence in any country of diplomatic representations or consular institutions, functions of these bodies are fulfilled by diplomatic representations and consular institutions of other states on the basis of existing agreements.

*See **Instructions** on execution by diplomatic representations, consular institutions and authorized representations of the Republic of Kazakhstan of documents related to issues of the citizenship of the Republic of Kazakhstan*

Chapter 6. Process of review of applications and statements related to issues of the citizenship of the Republic of Kazakhstan

Article 32. Procedure for submission of an application on citizenship issues

The application on citizenship issues is submitted to the name of the President of the Republic of Kazakhstan through bodies stated in **Articles 30-31** of this Law.

The term of review of the application or statement must not exceed 6 months.

*Article 33 has been amended in accordance with the **Law** RK No. 322-II of 17.05.02 (**see previous edition.**)*

Article 33. Application forms for citizenship issues

A petition on admission to the citizenship of the Republic of Kazakhstan, restoration of the citizenship or withdrawal from it is considered on the basis of a written request of an applicant. The petition related to persons under 18 is considered upon request of their lawful representatives (*parents, adoptive parents, guardians and trustees*) certified by notary, and in other states – certified by a diplomatic representation, consular institution or authorized representation.

In submission of an application on admission to the citizenship, restoration of the citizenship or withdrawal from it of a child of 14-18 years, his consent is required which must be in a written form and certified by notary, and in other states – certified by a diplomatic representation, consular institution or authorized representation of the Republic of Kazakhstan.

In submission of a petition on withdrawal from the citizenship of a child under 14 whose one parent remains to be a citizen of the Republic of Kazakhstan, there must also be submitted an application of this parent in which his attitude to withdrawal of a child from the citizenship of the Republic of Kazakhstan must be expressed. Such application must be notarized, and in other states – certified by a diplomatic representation, consular institution or authorized representation of the Republic of Kazakhstan.

If an applicant fails to sign the application out of illiteracy or on account of physical defects, the application upon his request is signed by other persons whereas the state notary, diplomatic representation, consular institution or authorized representation of the Republic of Kazakhstan make an appropriate note on the application.

The application on admission to the citizenship must be supported by documents certifying the identity of the applicant.

Some issues on the order and terms of review of petitions related to issues the citizenship of the Republic of Kazakhstan see the Decree of the President of the Republic of Kazakhstan of 27.09.96

Amendments have been made in accordance with the Decree of the President of the Republic of Kazakhstan of 03.10.95.

Article 34. Conclusions on applications related to citizenship issues

Internal affairs bodies, diplomatic representations, consular institutions or authorized representations of the Republic of Kazakhstan send their conclusions on applications or statements related to citizenship issues along with a written statement of a person who petitions admission to the citizenship on observance of conditions stipulated by article 1 of this law through the Ministry of Internal Affairs of the Republic of Kazakhstan or the Ministry of Foreign Affairs of the Republic of Kazakhstan for the name of the President of the Republic of Kazakhstan.

The Ministry of Foreign Affairs of the organ of the Republic of Kazakhstan responsible for migration of the population presents to the President of the Republic of Kazakhstan a motivated conclusion on expediency of admission to the citizenship of the Republic of Kazakhstan or restoration in it of each applicant permanently residing beyond the boundaries of the territory of the Republic of Kazakhstan including opportunities of his employment, housing or other arrangement in the Republic of Kazakhstan.

In conclusions on applications for withdrawal from the citizenship of the Republic of Kazakhstan are given the exact data on not fulfilled obligations of the applicant before the state or his property obligations with which are connected material interests of citizens or enterprises, institutions and organizations, public associations as to call him to the criminal liability as a defendant or on his serving the sentence on the basis of the effective verdict of the court or on that that his withdrawal from the citizenship contradicts the interests of national security of the Republic of Kazakhstan.

Article 35. Commission under the President of the Republic of Kazakhstan for citizenship issues

For prior review of citizenship issues stated in article 29 of this Law, the President of the Republic of Kazakhstan forms a commission for citizenship issues.

During review of applications and statements related to citizenship issues, the commission evaluates arguments of the applicant, the contents of statements, the conclusion of state authorities, other documents and duly executed witnesses.

The commission is entitled to request on the basis of the presented file documents and materials from appropriate state authorities, public associations that will submit required information in times established by the commission.

The commission submits to the President of the Republic of Kazakhstan recommendations on each application or statement.

A session of the commission is legitimate, if more than half of its members take part in it. Decisions of the commission are adopted by a simple majority.

Decisions of the commission are executed by a protocol signed by all members of the commission who participated in the session.

Also see the Decree No. 3039 of 18.06.96 of the President of the Republic of Kazakhstan "On formation of a commission for citizenship issues".

First paragraph is stated in edition of the Decree of the President RK of 03.10.95

Article 36. Acts on citizenship issues

The Decree of the President of the Republic of Kazakhstan is passed related to admission, change of the citizenship and rejection of the application.

The repeated application on citizenship issues is considered after expiry of 1 year after a previous decision of that issue. In case of emergence of circumstances significant to the matter which were not and may not be known to the applicant, the repeated application may be reviewed before such term.

*Article 37 has been amended in accordance with the **Decree** of the President of the Republic of Kazakhstan of 03.10.95.*

Article 37. Calculation of a term of acquisition and loss of the citizenship

The citizenship of the Republic of Kazakhstan is acquired on the day:

- of issue of the Decree_of the President of the Republic of Kazakhstan on admission to the citizenship;
- of birth or adoption of underage;
- of issue of the Decree_of the President of the Republic of Kazakhstan on admission to the citizenship of parents of underage;
- his registration in order stipulated by interstate agreements.

The citizenship of the Republic of Kazakhstan is withdrawn on the day:

- of issue of the Decree_of the President of the Republic of Kazakhstan on withdrawal from the citizenship;
- registration of its loss by state authorities in order stipulated by this Law;
- registration of withdrawal from the citizenship of the Republic of Kazakhstan in order stipulated by interstate agreements of the Republic of Kazakhstan.

Article 38 has been amended in accordance with the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 38. Calculation of a term of residence on the territory of the republic

The term of residence on the territory of the republic stated in subclause 1 of article 16 of this law includes:

- term of military service, if a person before it resided in the republic and a period between the day of leaving the army and the day of arrival to the Republic of Kazakhstan for permanent residence does not surpass 3 months;
- term of study beyond the boundaries of the republic, if a period between completion of study or dismissal from an educational institution and the day of arrival to the Republic of Kazakhstan does not surpass 3 months;
- time of going to a business trip beyond the boundaries of the republic, if a period between completion of the business trip and the day of arrival to the Republic of Kazakhstan does not surpass 3 months.

Calculation of a 3-month term stated in part 1 of this article suspends in cases of illness, disaster on other well-founded causes.

Term of residence on the territory of the Republic of Kazakhstan does not include the time of serving the sentence established by judicial organs of other states and the term of residence on the territory of the Republic of Kazakhstan on a business trip, treatment and other cases of temporary residence.

Term of residence on the territory of the Republic of Kazakhstan does not include the period preceding rejection of belonging of a person to the citizenship of the Republic of Kazakhstan.

Chapter 7. Implementation of decisions related to issues of the citizenship

Article 39 has been amended in accordance with the Decree of the President of the Republic of Kazakhstan of 03.10.95 and the Law RK No. 322-II of 17.05.02 (see previous edition)

Article 39. Organs implementing decisions related to issues of the citizenship of the Republic of Kazakhstan

Implementation of decisions related to issues of the citizenship related to persons permanently residing in the Republic of Kazakhstan is imposed on the Ministry of Internal Affairs of the Republic of Kazakhstan, administrations, departments of internal affairs of oblasts, cities, districts and districts in cities; related to persons residing in another state - the Ministry of Foreign Affairs of the Republic of Kazakhstan, relevant diplomatic representations and consular institutions of the Republic of Kazakhstan.

Persons who acquired the citizenship of the Republic of Kazakhstan are issued an identity card and/or passports of the Republic of Kazakhstan by organs of internal affairs or diplomatic representations and consular institutions.

Documents of a child under 16 contain a note on his belonging to the citizenship.

Persons who live in Kazakhstan and whose citizenship is terminated are issued a residence permit by organs of internal affairs.

Article 40. Control over implementation of decision related to citizenship issues

Control over implementation of decision related to citizenship issues is carried out by the commission under the President of the Republic of Kazakhstan.

Chapter 8. Appeal of decisions related to issues of the citizenship

Article 41. Appeal of decisions related to issues of the citizenship

Decisions related to issues of the citizenship may be re-considered by the President of the Republic of Kazakhstan. The repeated petition on issues of the citizenship is considered after expiry of 1 year after a previous decision of that issue.

Claims related to belonging to the citizenship and the loss of the citizenship are submitted for the name of President of the Republic of Kazakhstan.

Ill-founded refusal to accept the application related to issues of the citizenship, violation of terms for review of the application as well as other illegitimate actions of officials disturbing the order of review of files on the citizenship and the procedure for implementation of decisions related to issues of the citizenship may be appealed in the order established by the law to the higher in the order of subordination official or the court.

*Heading of Chapter 9 and Article 42 have been amended in accordance with the **Law RK No. 322-II of 17.05.02** (see previous edition)*

Chapter 9. International treaties

Article 42. Application of international treaties

If international treaties ratified by the Republic of Kazakhstan stipulate regulations other than that contained in this Law, regulations of international treaties are applied.

N. Nazarbayev
President