

Instruction approved by the order No. 22 of 27.05.98 of the Agency for Migration and Demography of the Republic of Kazakhstan

Work with persons who submit an application on acknowledgment as refugees and the procedure for determination of a refugee status in the Republic of Kazakhstan

General provisions

1. Acknowledgement of a person as a refugee in the territory of the Republic of Kazakhstan is performed by migration and demography administration of oblasts, the city of Almaty and capital, hereinafter referred as the “territorial authorized body services” under the Law No. 204-I of 13.12.97 “On migration of the population” of the Republic of Kazakhstan.
2. The reason to start the procedure for determination of a refugee status is a written application of a foreign citizen or a stateless person with a request to acknowledge him as a refugee in the territory of the Republic of Kazakhstan.
3. The procedure for determination of a refugee status includes:
 - submission of an application and completion of an application form;
 - interview with an applicant;
 - examination (evaluation) of information given by the applicant;
 - decision making on acknowledgement of a person as a refugee or refusal on it.

Application on acknowledgement of a person as a refugee in the territory of the Republic of Kazakhstan

4. Representatives of the territorial authorized body services must familiarize the applicant with his rights and obligations stated in a note. The applicant must be explained the forthcoming procedure for determination of a refugee status.

The application on acknowledgement as a refugee is accepted if there are documents certifying the identity of the applicant and members of his/her family.
5. From the moment of acceptance of an application on acknowledgement as a refugee, the applicant has the right to stay in the territory of the Republic of Kazakhstan till final decision making on his matter (including the application).
6. Registration of an application is made by the representatives of the territorial authorized body services on the basis of information given by the applicant.
7. A person, who submitted the application on acknowledgement as a refugee in the territory of the Republic of Kazakhstan under the **Law** “On migration of the population” of the Republic of Kazakhstan and norms of the international law, may be refused on both registration of the application and acknowledgement as a refugee.

Interview with persons who submit an application

8. The applicant is interviewed by representatives of the territorial authorized body services who are sufficiently qualified in order to obtain additional information for evaluation arguments and the authenticity of the data given by the applicant.

The main task of interviewing is obtaining from the applicant of information on the basis of which one can make a conclusion on its correspondence to the criteria to acknowledge a person as a refugee in accordance with the existing legislation.

Information related to the identity of the applicant, members of his/her family, other information serve as confirmation (direct or indirect) of causes which impel the said person to seek asylum in the territory of the Republic of Kazakhstan. The application form must be supported by copies of documents and other materials, if necessary.

First interview is carried out immediately at the moment of completion of an application and application form. If necessary, second interview is carried out and additions are entered in the application form but not later than 1 month from the day of registration of the application, except for cases which may be acknowledged well-founded.

9. During interview:
 - a) the applicant must:
 - tell the truth and help the representative of the territorial authorized body service to establish the authenticity of information;
 - produce all available proofs confirming his arguments;
 - produce necessary information, explanations of causes related to his past with all details to establish facts stated in the application form;
 - b) the representative of the territorial authorized body service must:
 - ensure that the applicant explains clearly and fully with all available proofs;
 - evaluate the truth of the applicant and evaluate produced evidences for the purpose of clarifying subjective and objective elements in his arguments;
 - compare that elements with relevant provisions of the existing legislation, criteria of the international law as to determination of the status of refugee.
10. The person who submitted an application is interviewed in the premises which allow to follow conditions of confidentiality. In order to provide security of persons who submitted an application and to protect interests of the state is forbidden to carry out an interview:
 - in presence of strangers including relatives of the refugee, unless stipulated otherwise;
 - in presence of employees who are not authorized to interview (except for cases when an interpreter is required).

Decision-making on the application

11. Decision to acknowledge the applicant as refugee is made by the territorial authorized body service during 30 days from the day of the application. If specifying some facts that require examination is not finalized in established dates, the decision is postponed till they are clear, if it is necessary to attract authorized persons from KGB, MIA and other.
12. When a decision is made it is necessary to take into account that the procedure for determination of the status of refugee is developed for persons who owing to circumstances stated in the **Law** "On migration of the population" cannot due to well-founded fear to become of victim of persecution enjoy protection of the country of their nationality.

Consequently, any request on information related to a specific person(s) from official authorities (representations of the country on the territory of which the said circumstances emerged may be made only with sanction of the Chairman of the Migration and Demography Agency of the Republic of Kazakhstan.
13. The person who is acknowledged as a refugee is issued an ID of a special form that serves as a reason to be registered with internal affairs bodies.

Originals of materials of a personal file are kept with the territorial authorized body service.

14. When a person is refused to be recognized as refugee, he is issued a written notification indicating the reasons of refusal and the procedure of appeal of the decision made in a 30-day-term from the date of decision-making.

The decision on refusal to be recognized as refugee may be appealed by the applicant at the higher authorized body or through the court during 30 days from the day of receipt of a written notification. Until the final decision-making on a claim, a person who submitted the claim is granted the right to stay in the territory of the Republic of Kazakhstan.

Confirmation of the status of refugee

15. The status of refugee is originally granted for them for the period of 1 year. To confirm the status of refugee, territorial authorized body services carry out annually registration of refugees when their identity cards are re-registered. During this, conversations are held, their marital status, place of residence and work, incomes for existence, amounts of assistance rendered are specified.

If necessary, materials from a personal file of a refugee may be considered additionally.

16. A person forfeitures the status of refugee in the territory of the Republic of Kazakhstan, if he:
- has acquired the citizenship of the Republic of Kazakhstan or of the other state;
 - has received the status of refugee in the territory of the other state;
 - has left the boundaries of the Republic of Kazakhstan for a permanent place of residence
 - has voluntarily departed to the country which he left owing to fear of persecution.

A person is deprived the status of refugee:

- if he deliberately told false information which served as the reason to recognize him as a refugee. In this case he might be collected, in accordance with the court's decision. all expenses incurred in the Republic of Kazakhstan related to his acceptance, arrangement and other support;
 - when circumstances are lifted which served as the reason to recognize him as a refugee. In this case, the person can no longer refuse enjoying protection of the country of his nationality and must return to the country of his nationality or, as a stateless person must return to the country of his permanent residence.
17. If the identity card gets lost, the refugee should immediately apply the territorial authorized body service that issued the identity card with a relevant application. On the basis of his application, during 1 month from the day of submission after examination of circumstances of the loss of a document, a duplicate is issued.

List of documents

18. A list of documents required for work with persons who apply to be recognized as a refugee:
- a note for applicants to be recognized as a refugee in the Republic of Kazakhstan;
 - application on recognition as refugees in the Republic of Kazakhstan;
 - application form of the applicant to be recognized as a refugee in the Republic of Kazakhstan;
 - decision of the territorial authorized body service;
 - identity card of the refugee;
 - assignment to the Administration of passport and visa service of the UVD;
 - journal for registration of persons who apply to be recognized as a refugee in the territory of the Republic of Kazakhstan.

The note for applicants to be recognized as a refugee in the Republic of Kazakhstan

1. Purpose of the note

This note describes your rights and obligations as a person who apply to be recognized as a refugee during the whole period of review of your application and decision-making on it. You should attentively get familiarized with the content of this note and strictly follow its requirements.

2. Rights and obligations of the applicant to be granted the status of refugee during the process of review

2.1 The status of the applicant during the process of review

2.1.1 Staying and residing

At present, you are in the Administration for migration and demography _____ (territorial authorized body service) and must follow the order established here.

You are allowed to stay in the Republic of Kazakhstan during the whole period of review of your application, if you cannot leave for the other country or return home without being jeopardized. You must inform the territorial authorized body service, if you have previously been to the Republic of Kazakhstan.

If you have submitted an application, you cannot apply the Administration of passport and visa service of the UVD for other type of staying.

During the period of review of your application, you are not allowed to change the place of residence without permission of the territorial authorized body service. If you have obtained such permission, you must immediately inform on your new address. You must be available to the territorial authorized body service at your address during the whole period of review of your application.

2.2 Proceeding

2.2.1 Obligation to cooperate

You must follow instructions of the territorial authorized body service, appear on each invitation and make every effort to assist in procedure. You will not have a chance to return opportunities lost by you.

2.2.2 Obligation to tell the truth and give true evidences

You must prove or at least believably present that you are a refugee. You must truly and fully answer all questions you will be asked by the territorial authorized body services, in writing or orally.

During a conversation with representatives of the territorial authorized body service you may speak freely without fear. All persons who are involved in review of you matter are allowed to discuss it only with territorial authorized body services and interested ministries and organizations of the Republic of Kazakhstan.

You have the right to be listened to on all important issues till the decision is made on your application to be granted the status of refugee in the Republic of Kazakhstan.

2.2.3 Information on identity/ identification

You must inform the territorial authorized body service on exact data on your true identity. The territorial authorized body service has the right to check information given by you.

2.2.4 Documents

It is forbidden to destroy, distort, fake and treat documents so that they become illegible. The territorial authorized body service has the right to expertise the authenticity of document produced by you.

Upon request of the territorial authorized body service, you must present, in established dates, translation of necessary documents to Kazakh and Russian.

2.2.5 Support of the procedure

You may invite an interpreter at your choice and at you expense to conversation with representatives of the territorial authorized body service.

2.2.6 Official investigation measures

The territorial authorized body service has the right to carry put various expertises on the basis of your evidences with attraction of competent specialists from interested ministries and organizations of the Republic of Kazakhstan and administer a medical examination for you. Besides, it has the right to make inquiries at the representation of the Republic of Kazakhstan abroad.

2.2.7 Right for familiarization with a personal file and appeal of a decision

You have the right to familiarize with your personal file, if your application was rejected or a decision made not to launch its review. You have the right to appeal of a decision unfavourable to you under the Law “On migration of the population” of the Republic of Kazakhstan.

3. Consequences of violation of obligations to assist the proceeding

Out of violation of even one of the above obligations to assist the proceeding, a decision can be made not to start review of you application at all. It means that you ought voluntarily leave the territory of our state, otherwise you will be deported.

4. Conclusion

If you have any questions related to the proceeding with the respect to the application on granting the status of refugee, you may pose them to the territorial authorized body service at the place of your residence.

**Application
on recognition as refugee in the Republic of Kazakhstan**

To : _____

From: _____

Citizen of (state) _____

Temporarily residing at the address: _____

Family consists of _____ people

Information on family members

No	Name	Date of birth	Degree of relationship
----	------	---------------	------------------------

I am forced to leave the place of my residence due to reasons _____

I request to recognize me and members of my family as refugees in the Republic of Kazakhstan

Applicant:

Date:

**Application form No
of applicant who petitions to be recognized as refugee in the Republic of Kazakhstan**

1. Name
2. Date of birth
3. Place of birth
4. Citizenship
5. Nationality
6. Passport or other document certifying the identity
7. Marital status
8. Composition of family (people)
9. Information on other members of family who arrived with me

No	Name	Degree of relationship	Date of birth	Passport or other document certifying the identity. Issued by. Term of validity	Nationality	Citizenship

10. Place of residence
11. Do all family members live at the stated address. If No, indicate who of family members and at which other address live
12. Do your family members who reached 18 have passports (Yes, No). If No, indicate who does not have passport and on what reason
13. When and from what state did you and your family members arrive. Reasons (give details)
14. If you arrived from the territory of not yours nationality, did you apply there for the status of refugee
15. Which languages do you and your family members command
16. Do you or your family members have invalidity (yes/no). If Yes, indicate who and of which category
17. Did you or your family members serve in military service on a contract or conscription in a state of residence (departure). If Yes, indicate who and when served
18. Were you or your family members brought to trial for commitment of a crime (yes/no). If Yes, indicate who and when, on a verdict of which court and for which term.
19. Does your family have relatives in the Republic of Kazakhstan (yes/no). If Yes, indicate the degree of relationship and place of their residence
20. Place of supposed place of settlement (indicate city, oblast, district, township)

21. Indicate, who out of family members has education, which professions has
22. Do you want to return to your country (yes/no). If Yes, indicate conditions of return
23. Which chronic diseases are established in you and your family members by medical institutions
24. Indicate, who of your children and which preventive vaccinations have been performed
25. Have you been to the Republic of Kazakhstan (yes/no). If Yes, indicate the date and purpose of visit
26. Additional information which you believe it is necessary to give

I have familiarized with the note for applicants as to granting the status of refugee in the Republic of Kazakhstan and officially declare, that all information given by me are true, full and accurate.

Date:

Signatures of applicant and arrived members of family of age (names, initials)

Application form is submitted (date)

Institution that accepted the application form

Valuation of the authenticity of the applicant's petition:

Position of official who accepted the application form (name)

Date:

Signature

Decision

Administration for migration and demography

No.

Date:

Administration for migration and demography under the Law “On migration of the population in the Republic of Kazakhstan” having reviewed the petition as to recognition of refugee:

Has resolved:

Note: in case of refusal to recognize a person as refugee or deprivation the status of refugee, this resolution under the Law “On migration of the population in the Republic of Kazakhstan” may be appealed at the higher authorized body or in the judicial order during 30 days from the day of receipt of resolution.

Head:

Seal

**Resolution of
Administration for migration and demography**

No.

Date:

Administration for migration and demography under the Law “On migration of the population in the Republic of Kazakhstan” having reviewed the petition as to recognition of refugee:

Has resolved:

Chairperson:

Seal

Name:

Date and place of birth:

Citizenship:

Seal

Photograph

Registration No

Applicant’s signature

Certified that he/she are recognized as refugee and stays under protection of the Republic of Kazakhstan

Resides at the address:

Certificate is valid till:

Date and place of issue of certificate:

Head of Administration for migration and demography

Members of the applicant’s family

Name	Degree of relationship	Date and year of birth

Certificate extended till _____ Signature Seal

Certificate extended till _____ Signature Seal

Certificate extended till _____ Signature Seal

OVIR UVD

Assignment

No.

Date:

This assignment is issued to the applicant to be recognized as refugee in the Republic of Kazakhstan

And members of his/her family

Arrived from:

for registration of passport at the address:

for the term of 1 year

Head of Administration for migration and demography

Journal for registration of persons who apply to be recognized as refugee on the territory of the Republic of Kazakhstan

No	Name	Date and place of birth	Citizenship	Composition of family	No, date of decision making
1	2	3	4	5	6

No, date of certificate issue	Date and signature of receipt of decision or certificate	Date of re-registration	Removal from registration	Note
7	8	9	10	11