

**Law of the Republic of Kazakhstan of 15 June 2017 No. 74-VI.**

**On Ratification of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission and the Executive Protocol on the Implementation Procedures for the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission**

I hereby ratify the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission and the Executive Protocol on the Implementation Procedures for the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission done at Astana on 17 October 2016.

*President*

*of the Republic of Kazakhstan*

*N. NAZARBAYEV*

**Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission**

The Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic, hereinafter referred to as the Parties,

Desiring to develop mutually beneficial relations and cooperation between the two States in different areas, including combating illegal migration,

Being convinced that implementing principles and norms agreed by the Parties, which determine the procedures for return, admission and transfer of persons present in the territories of their States in violation of the effective procedure for entry and stay of foreign nationals and stateless persons, is an important component of the migration process regulation and a contribution to combating illegal migration,

Respecting the sovereign right of either Party under its laws to establish responsibility for illegal migration of foreign nationals and stateless persons in its territory or through it,

Emphasising that this Agreement shall be without prejudice to the rights, obligations and responsibility of the States Parties under international law, including norms of international law embodied, in particular, in the Universal Declaration of Human Rights of 10 December 1948, the Convention of 28 July 1951 on the Status of Refugees and the Protocol of 31 January 1967 on the Status of Refugees and the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Emphasising the growing interest of the States Parties in harmonization of their migration laws,

have agreed as follows:

**Article 1 Definitions of Terms**

The definitions of terms used herein shall have the following meanings:

1) "Readmission" shall mean transfer by competent authorities of the State of the Requesting Party of persons who have entered or are present in the territory of the State of the Requesting party in violation of the laws of such State regarding entry, departure and stay of foreign nationals and stateless persons, and admission of such persons by competent authorities of the State of the Requested Party in a manner, under terms and for the purposes stipulated hereby;

2) "Requesting Party" shall mean the Party, the central competent authority of which is submitting a readmission application or a transit application in accordance with this Agreement;

3) "Requested Party" shall mean the Party, the central competent authority of which is addressed with a readmission application or a transit application in accordance with this Agreement;

4) "Third country nationals" shall mean any persons, who do not hold a nationality of either State Party and have a nationality of a state not party to this Agreement;

5) "Stateless person" shall mean any person who does not hold a nationality of either State Party and does not hold evidence of citizenship of a third state, except for the persons, who lost the citizenship of one State Party upon entry into the territory of the other State Party and are subject to Article 2(1) hereof;

6) "Competent Authorities" shall mean the authorities of the States Parties involved in the implementation of this Agreement;

7) "Central competent authorities" shall mean the competent authorities of the States Parties entrusted with the main tasks for the implementation of this Agreement;

8) "Border Crossing Point" shall mean the point of crossing the State Border of the Republic of Kazakhstan or the State Border of the Kyrgyz Republic, established in accordance with the national laws of the States Parties or international treaties;

9) "Personal data" shall mean any information relating to a certain individual or an individual identified based on such information;

10) "Executive Protocol" shall mean the protocol on the implementation procedures for this Agreement;

11) "Transit" shall mean the passage of a third country national or a stateless person through the territory of the State of the Requested Party on the way from the State of the Requesting Party to the state of destination.

## **Article 2 Readmission of own Nationals of the States Parties**

1. The central competent authority of the State of the Requested Party shall admit, upon application by the central competent authority of the State of the Requesting Party, the persons who have entered or are staying in the territory of the State of the Requesting Party in violation of the laws of such State regarding entry, departure and stay of foreign nationals and stateless persons, if it is established that they are nationals of the State of the Requested Party.

2. If necessary, the competent authorities of the State of the Requested Party shall issue the documents required for entry of transferees into its territory.

3. The list of documents, based on which it is determined whether the person has the citizenship of one of the States Parties, is set forth in the Executive Protocol.

The Parties shall exchange document templates through the diplomatic channels within 30 (thirty) calendar days following the date of this Agreement and the Executive Protocol coming into force. Subsequently, each of the Parties shall immediately notify, through the diplomatic channels, the other Party of any changes in such documents.

4. If none of the documents referred to in paragraph 3 of this Article can be submitted, the central competent authorities of the States Parties shall agree on holding interview in the territory of the Requesting Party with the person to be readmitted, in order to obtain information on his/her citizenship. The interview procedure shall be carried out in accordance with the Executive Protocol.

5. The central competent authority of the State of the Requesting Party shall admit the transferred person back within 30 (thirty) calendar days from the date of his/her transfer, if it is established that there are no grounds for his/her readmission under paragraph 1 of this Article. In this case, the central competent authority of the State of the Requested Party shall forward available materials concerning this person.

### **Article 3 Readmission of Third Country Nationals and Stateless Persons**

1. The central competent authority of the Party shall readmit, upon application by the central competent authority of the other Party, third country nationals and stateless persons into its territory provided that documentary evidence is found to prove the fact that such persons have entered the territory of the State of the Requesting Party directly from the territory of the Requested State Party and do not, or no longer, fulfil the conditions and rules for entry into the territory of the State of the Requesting Party.

Should any issues arise in the application of paragraph 1 of this Article, the Parties shall closely cooperate on a case-by-case basis as regards readmission of third country nationals and stateless persons.

2. The readmission obligation in paragraph 1 of this Article shall not apply if a third country national or a stateless person:

1) has legally arrived visa-free in the territory of the State of the Requesting Party in accordance with the international treaty, to which the Requesting State is party;

2) has only been in the transit area of an international airport in the territory of the State of the Requested Party immediately prior to arrival in the territory of the State of the Requesting Party;

3) if one of the Parties has issued a visa or residence permit to a third country national or a stateless person prior or upon entry into the territory of its State, except for the following cases:

- the person holds a visa or residence permit that was issued by the Requested Party and has a longer validity period;

- the visa or residence permit issued by the Requested Party has been obtained by using forged documents.

3. Upon receipt of the approval to the readmission application, the Requesting Party shall issue the exit document, which is acknowledged by the Requested Party and the

validity period of which is at least 30 (thirty) days, to the person whose readmission has been accepted.

4. The list of the documents proving that there are grounds for readmission of third country nationals and stateless persons is given in the Executive Protocol.

The Parties shall exchange the templates of such documents through the diplomatic channels within 30 (thirty) calendar days following the date of this Agreement and the Executive Protocol coming into force. Subsequently, each of the Parties shall notify the other Party of any changes in such documents through the diplomatic channels.

#### **Article 4 Readmission Application**

1. To transfer the person to be readmitted based on one of the conditions provided for in this Agreement, the central competent authority of the State of the Requesting Party shall address the central competent authority of the State of the Requested Party with an application for readmission.

2. If the person to be readmitted holds a valid national passport of the State of the Requested Party, no readmission application shall be required. The transfer of such persons shall be carried out in accordance with Article 9 of the Executive Protocol.

3. The central competent authority of the State of the Requested Party, within 30 (thirty) calendar days from the date of receipt of the request for readmission of a person, shall respond with consent to admission or with motivated refusal to admit him/her, if it has been established by the competent authorities of the State of the Requested Party that there are no conditions pursuant to this Agreement for the transfer of that person.

4. Where there are legal or factual obstacles to the timely reply to the readmission application, the time limit for the reply shall be extended for up to 60 (sixty) calendar days based on the motivated request by the central competent authority of the State of the Requested Party.

#### **Article 5 Time limits for Admission and Transfer**

1. Transfer of the persons shall be carried out within 30 (thirty) calendar days from the date of receipt of consent to such request from the Requested Party by the Requesting Party, unless otherwise agreed by the central competent authorities of the States Parties in each particular case.

2. The time limit in paragraph 1 of this Article may be extended if the person to be readmitted cannot be transferred to the Requested Party because the circumstances arise that objectively impede carrying out of the above transfer.

3. If it is impossible to transfer the person, in respect of whom the Requested Party has given consent for readmission, the central competent authority of the State of the Requesting Party shall address the central competent authority of the State of the Requested Party with the appropriate written notification.

#### **Article 6 Transit**

1. If the Requesting Party so requests, the central competent authority of the State of the Requested Party shall allow the transit of third country nationals and stateless persons readmitted to third states through the territory of the State of the Requested Party, if the competent authorities of the State of the Requesting Party guarantee that

the persons referred to in this paragraph will be granted admission to a third state, irrespective of whether it is a transit state or a state of destination.

2. Transit of the persons referred to in paragraph 1 of this Article may be escorted by the competent authorities of the State of the Requesting Party.

3. Unless otherwise agreed by the central competent authorities of the States Parties in each particular case, an application for transit of the persons referred to in paragraph 1 of this Article must be submitted not later than 15 (fifteen) calendar days before the expected date of entry into the territory of the State of the Requested Party for the purpose of transit.

4. The central competent authority of the State of the Requested Party shall respond with consent for transit or with motivated refusal to allow such transit within 7 (seven) calendar days from the date of receipt of the application for transit of the persons referred to in paragraph 1 of this Article.

5. If the competent authorities of the Requesting Party so requests, during transit of the persons referred to in paragraph 1 of this Article the competent authorities of the State of the Requested Party shall render possible assistance.

6. Transit of persons referred to in paragraph 1 of this Article can be refused by the central competent authority of the State of the Requested Party:

1) if such person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his/her race, religion, nationality, membership of a particular social group or political opinion in the state of destination or another state of transit;

2) if stay of such person in the territory of the State of the Requested Party is undesirable, in particular for the reasons of national security, public order or public health.

7. The competent authorities of the State of the Requested Party may revoke any authorization issued for transit and return the persons referred to in paragraph 1 of this Article to the competent authorities of the Requesting Party, if after such persons arrived at the territory of the State of the Requested Party the circumstances referred to in paragraph 6 of this Article have been found, and where the admission of the persons by another state of destination or the state of transit is no longer assured.

8. The Parties shall take measures, on a reciprocal basis, aimed at restriction of the cases of transit of third country nationals and stateless persons, who can be returned directly to the state of their citizenship or the state of their permanent residence.

9. Transit of third country nationals and stateless persons shall be carried out mainly by air or by rail.

## **Article 7 Personal Data Protection**

1. The personal data communicated or shared by the competent authorities of the States Parties with regard to the implementation of the provisions of this Agreement shall be subject to protection in each State Party under the domestic laws on personal data protection and in accordance with the international treaties, to which the States are party.

2. The competent authorities of the States Parties share Personal data provided that the following conditions are met:

1) personal data may be only used for the purposes of this Agreement;

2) the competent authorities of the States Parties ensure confidentiality of the personal data obtained under this Agreement and do not communicate it to a third party unless there is written consent of the competent authorities of the State Party which communicated the personal data, and inform the competent authorities of State Party which communicated such data, on how the data was used;

3) the competent authorities of the States Parties ensure the protection of personal data against loss, unauthorized access, alteration or public disclosure.

### **Article 8 Costs**

1. Without prejudice to the right of the competent authorities to recover the costs associated with readmission from the person to be readmitted or third parties, all costs incurred in connection with readmission and possible use of escorts pursuant to Article 2(1) and Article 3 (1) of this Agreement as far as the Border Crossing Point of the State of the Requested Party shall be borne by the Requesting Party.

2. If the costs associated with readmission or possible use of escorts cannot be recovered from the person to be readmitted or from third parties, all costs incurred in connection with readmission and possible use of escorts and possible return of persons referred to in Article 6(1) of this Agreement shall be borne by the Requesting Party.

3. The costs associated with transfer of the persons specified in Article 2(5) of this Agreement, and their possible escorting to the Border Crossing Point of the State of the Requesting Party, shall be borne by the Party, whose actions or omission resulted in transfer of the person without any grounds for readmission of such person.

### **Article 9 Executive Protocol**

The Parties shall sign the Executive Protocol, which contains the rules relating to:

1) the competent authorities of the States Parties and distribution of powers among them;

2) the procedure for submission of an application for readmission or transit;

3) interviews;

4) the procedure for readmission or transit;

5) the conditions for transfer with use of escorts, including in case of transit of third country nationals and stateless persons;

6) the procedure for effecting payments connected with fulfilment of this Agreement.

### **Article 10 Suspension and Renewal of the Agreement**

1. Either Party may suspend this Agreement in part or in full for reasons relating to national security, public order maintenance or public health protection.

2. One Party shall notify the other Party in writing through the diplomatic channels of the suspension or renewal of this Agreement not later than 72 (seventy two) hours before the implementation start of such decision.

### **Article 11 Dispute Resolution**

1. All issues arising between the Parties and in connection with the fulfilment and interpretation of this Agreement shall be settled through good faith consultations and negotiations between the Parties.

2. The procedures for consultations and negotiations shall be determined by the agreement of the Parties.

### **Article 12 Relationship with Other International Treaties**

1. This Agreement shall be without prejudice to rights and obligations of either Party that arise from other international treaties, to which its State is party.

2. This Agreement shall not preclude the return of any person based on other international treaties, to which the States are party.

### **Article 13 Final Provisions**

1. In compliance with paragraph 2 of this Article, this Agreement shall come into force after 30 (thirty) calendar day have elapsed from the date when the last written notice is received through the diplomatic channels, notifying that the domestic procedures for the Agreement to come into force were completed by the Parties.

2. Provisions of Article 3 of this Agreement become applicable after 3 (three) years have elapsed from the date when this Agreement comes into force. During this three-year period, the aforementioned provisions shall apply only to the nationals of the third states and the stateless persons from the third states that have signed international agreements on readmission with the Republic of Kazakhstan and the Kyrgyz Republic.

3. This Agreement may be amended and supplemented by mutual consent of the Parties. Amendments and supplements shall be drawn up in the form of separate protocols, which shall form an integral part of this Agreement, and enter into force in accordance with the procedure laid down in paragraph 1 of this Article.

4. This Agreement is concluded for an indefinite period and expires after 60 (sixty) calendar day have elapsed from the date when one of the Parties receives, through the diplomatic channels, a written notice from the other Party of its wish to terminate the Agreement.

5. If this Agreement has been terminated, the Parties shall settle the obligations arisen within its effective period.

Done at Astana on 17 October 2016, in duplicate in Kazakh, Kyrgyz and Russian language, all of these texts being equally authentic.

In case of any discrepancies in interpretation of the provisions of this Agreement the Parties shall use the Russian text.

## **Executive Protocol on the Implementation Procedure for the Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission**

The Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic, hereinafter referred to as the Parties,

expressing a shared desire to most comprehensively address the implementation issues of the Agreement of 17 October 2016 between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission (hereinafter referred to as the Agreement),

have agreed as follows:

### **Article 1 Competent Authorities**

1. The competent authorities responsible for the implementation of provisions of the Agreement are as follows:

from Kazakhstan:

the central competent authority is the Ministry of Internal Affairs of the Republic of Kazakhstan;

the competent authorities are the Ministry of Foreign Affairs of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan;

from Kyrgyzstan:

the central competent authority is the Ministry of Internal Affairs of the Kyrgyz Republic;

the competent authorities are the Ministry of Foreign Affairs of the Kyrgyz Republic and the State Committee for National Security of the Kyrgyz Republic.

2. Each Party shall immediately inform, through the diplomatic channels, the other Party of any changes as regards competent authorities referred to in paragraph 1 of this Article.

3. The central competent authorities shall cooperate directly with each other for the purposes of implementation of the provisions of the Agreement and this Executive Protocol.

4. For the purposes of implementation of this Executive Protocol, the central competent authorities shall communicate through the diplomatic channels their contact details in writing within 30 (thirty) calendar days from the date when the Executive Protocol comes into force.

5. The central competent authorities shall immediately inform each other in writing of any changes in their contact details.

### **Article 2 Proof of Citizenship**

1. The citizenship of the Republic of Kazakhstan shall be proven with the documents as follows:

1) passport of a citizen of the Republic of Kazakhstan;



- 2) identity card of a citizen of the Republic of Kazakhstan;
- 3) diplomatic passport of the Republic of Kazakhstan;
- 4) official passport of the Republic of Kazakhstan;
- 5) seafarer's identity document;
- 6) laissez-passer;

7) birth certificates for children under the age of 16 with a photo-bearing supplement certifying the citizenship of the Republic of Kazakhstan.

2. The citizenship of the Kyrgyz Republic shall be proven with the documents as follows:

- 1) diplomatic passport;
- 2) official passport;
- 3) passport of a citizen of the Kyrgyz Republic of 1994 edition;
- 4) passport of a citizen of the Kyrgyz Republic of 2004 edition (ID card);
- 5) internal passport of a citizen of the Kyrgyz Republic of 2004 and 2006 editions;
- 6) military ID card (Military Record Book);

7) birth certificates for children under the age of 16 with a photo-bearing supplement certifying the citizenship of the Kyrgyz Republic;

- 8) laissez-passer to the Kyrgyz Republic.

3. It can be validly assumed that the person holds the citizenship of the Republic of Kazakhstan, if the following is available:

- 1) documents specified in paragraph 1 of this Article the validity of which has expired;

- 2) copies of the documents specified in paragraph 1 of this Article;

- 3) documents other than those specified in paragraph 1 of this Article issued by the relevant public authorities of the Republic of Kazakhstan;

- 4) the application filled in according to the form in Annex 1 to this Executive Protocol by the person to be readmitted;

- 5) written statements of the witnesses lawfully obtained by the relevant competent authorities;

- 6) written statements by cognizant officers of the public authorities;

- 7) successful interview with the person to be readmitted.

4. It can be validly assumed that the person holds the citizenship of the Kyrgyz Republic, if the following is available:

- 1) documents specified in paragraph 2 of this Article the validity of which has expired;

- 2) copies of the documents specified in paragraph 2 of this Article;
- 3) documents other than those specified in paragraph 2 of this Article, issued by the relevant public authorities of the Kyrgyz Republic;
- 4) the application filled in according to the form in Annex 1 to this Executive Protocol by the person to be readmitted;
- 5) written submissions of the witnesses obtained legitimately by the relevant competent authorities;
- 6) written submissions of the cognizant officers of the public authorities;
- 7) successful interview with the person to be readmitted.

### **Article 3 Evidence of Existence of the Grounds for Readmission of Third Country Nationals and Stateless Persons**

1. Evidence proving that there are grounds for readmission of third country nationals and stateless persons include the following documents:

- 1) entry (exit) stamp by the relevant competent authorities of the States Parties in any kind of the document proving the identity and the right to cross the State border;
- 2) entry (exit) stamp by the competent authorities of the States Parties in a forged or falsified document;
- 3) valid permit to stay in the territory of the State of the requested Party;
- 4) valid refugee certificate issued by the State of the requested Party;
- 5) valid refugee's travel document issued by the State of the requested Party;
- 6) the document proving the identity of a third country national or stateless person with a stamp entitling the person to stay in the State of the Requested Party (residence permit for a foreigner or stateless person certificate acknowledged by the Parties).

2. The Parties shall recognize the documents referred to in paragraph 1 of this Article without any additional formalities.

3. Indirect evidence proving that there are grounds for readmission of third country nationals and stateless persons include the following documents:

- 1) a permit to stay in the territory of the State of the Requested Party, refugee certificate and refugee's travel document whose validity expired no more than 180 (one hundred eighty) calendar days ago;
- 2) a visa issued by the competent authorities of the Requesting Party in the territory of the State of the Requested Party and the validity period of which has expired;
- 3) written statements of the public authority officials;
- 4) lawfully obtained written statements of the person to be readmitted ;
- 5) written statements of the witnesses.

4. The documents listed in paragraph 3 of this Article shall be acknowledged as the grounds for readmission of third country nationals and stateless persons unless rebutted by the Requested Party.

#### **Article 4 Other Documents**

1. If the Requesting Party considers that the documents other than those listed in Articles 2 and 3 of this Executive Protocol can be of significant importance to determination of citizenship of the person subject to readmission or the grounds for readmission of third country nationals and stateless persons, such documents may be attached to the application for readmission as well.

2. The central competent authority of the Requested Party decides whether it is possible to take into account the documents specified in paragraph 1 of this Article.

#### **Article 5 Interview**

1. A representative of the central competent authority of the State of the Requested Party in the State of the Requesting Party shall bear the main responsibility for the interview requested by the central competent authority of the Requesting Party under Article 2(4) of the Agreement with the person referred to in Article 2(1) of the Agreement.

2. The Diplomatic Mission or the Consular Office of the Requested Party shall interview the person concerned if the representative of the central competent authority referred to in paragraph 1 of this Article is not available.

3. The central competent authority of the State of the Requested Party present in the territory of the State of the Requesting Party, or - in the case foreseen in paragraph 2 - the Diplomatic Mission or Consular Office of the State of the Requested Party in the State of the Requesting Party, shall interview the person concerned within the period not exceeding 14 (fourteen) calendar days from the date of receiving the interview request on the form provided in Annex 2 to this Executive Protocol.

4. The date, time and place of the interview shall be agreed upon by mutual agreement of the central competent authorities of the States Parties in each particular case.

#### **Article 6 The Content of and Procedure for Submission and Reply to Readmission Applications**

1. The central competent authority of the Requesting Party shall submit the readmission application in writing according to the form in Annex 3 to this Executive Protocol, to the central competent authority of the Requested Party, by mail or by means of technical communications, such as e-mail or fax.

2. The Requesting Party should attach to the readmission application the available documents, which are specified in Articles 2 and 4 of this Executive Protocol and confirm or give grounds to assume that the person concerned has the citizenship of the State of the Requested Party.

3. The Requesting Party should attach to the application about the readmission of the third country nationals and stateless persons available documents, which are

specified in Articles 3 and 4 of this Executive Protocol and are or are deemed to be the confirmation that the person concerned has the citizenship of the Requested Party.

4. If necessary, the central competent authority of the Requesting Party shall specify additional information regarding special danger and health condition of the person to be readmitted in Section "B" of the readmission application.

5. The central competent authority of the Requested Party shall reply to the readmission application by the Requesting Party in writing by mail or means of technical communications, such as e-mail or fax, within the time limit set out in Article 4(3) of the Agreement.

### **Article 7 Submission and Reply to Transit Applications**

1. The central competent authority of the Requesting Party submits the transit application to the central competent authority of the Requested Party in writing according to the form in Annex 4 to this Executive Protocol by mail or by means of technical communications, such as e-mail or fax, within the time limit set out in Article 6(3) of the Agreement.

2. If necessary, the central competent authority of the Requesting Party shall provide any additional information regarding special danger and health condition of the person subject to transit in the Section "B" of the transit application.

3. The central competent authority of the Requested Party shall reply to the transit application of the central competent authority of the Requesting Party in writing by mail or by means of technical communications, such as e-mail or fax, within the time limit set out in Article 6(4) of the Agreement.

### **Article 8 Escorted Transfers**

1. If escorts are required for readmission or transit of a person, the central competent authority of the Requesting Party shall communicate to the central competent authority of the Requested Party their names, surnames and positions, the type, number, issuing date and validity period of their passports, as well as the duration of their stay in the territory of the Requested Party.

2. The escorts must abide by the laws of the Requested Party during their stay in the territory of such State.

3. The escorts shall wear civilian clothing and bear valid passports and any documents proving that readmission or transit has been approved.

4. The escorts shall not carry arms or other items withdrawn from circulation or of restricted circulation in the territory of the State of the Requested Party.

5. The competent authorities of the States Parties shall cooperate on all issues as regards ensuring stay of the escorts in the territory of the Requested Party. The competent authorities of the Requested Party shall therefore assist the escorts in a possible way, if necessary.

### **Article 9 Readmission or Transit Procedures**

1. The readmission or transit operations shall be carried out at all Border Crossing Points of the States Parties established in accordance with the laws of the States Parties or international treaties.

2. The date and time of the readmission or transit and the Border Crossing Points of the States Parties used for such purposes shall be determined by the central competent authorities of the States Parties upon mutual agreement on a case-by-case basis.

3. Before the scheduled transfer or transit operation of the person subject to readmission, the central competent authority of the Requesting Party shall notify at least 5 (five) working days in advance the central competent authority of the Requested Party of the conditions of such transfer envisaged in paragraph 2 of this Article.

4. The central competent authority of the Requested Party shall notify the central competent authority of the Requesting Party on the acceptability of the transfer conditions within 4 (four) working days from the date of receiving the information referred to in paragraph 3 of this Article.

5. If the transfer conditions proposed by the Requesting Party are unacceptable for the central competent authority of the Requested Party, the Parties should agree other transfer conditions as soon as possible.

#### **Article 10 Language**

For the purpose of implementation of the Agreement and this Executive Protocol, the documents in Annexes 1-4 to this Executive Protocol shall be in Russian.

#### **Article 11 Costs**

1. The costs incurred by the Requested Party while carrying out the readmission or transit operations shall be reimbursed in accordance with Article 8(1) and (2) of the Agreement by the Requesting Party in currency convenient for both Parties within 30 (thirty) calendar days from the date, when the Requesting Party received the notification on the costs incurred with the financial documents confirming the costs incurred.

2. The costs incurred by one Party while transferring the persons specified in Article 2(5) of the Agreement shall be reimbursed in accordance with Article 8(3) of the Agreement by the other Party in currency convenient for both Parties within 30 (thirty) calendar days from the day when such Party received the notification on the costs incurred with the financial documents confirming the costs incurred.

#### **Article 12 Annexes**

Annexes 1-4 to this Executive Protocol shall be its integral part.

#### **Article 13 Final Provisions**

1. This Executive Protocol shall come into force and cease to apply at the same time as the Agreement.

2. The Parties may modify and amend this Executive Protocol by mutual agreement.

Done at Astana on 17 October 2016 in duplicate in Kazakh, Kyrgyz and Russian, all of these texts being equally authentic.

In case of any discrepancies in interpretation of the provisions of this Executive Protocol the Parties shall use the Russian text.

*For the Government of  
the Republic of Kazakhstan*

*For the Government of  
the Kyrgyz Republic*

Annex 1  
to the Executive Protocol  
on the Implementation  
Procedure for the Agreement of  
17 October 2016 between  
the Government of the Republic  
of Kazakhstan and the  
Government of  
the Kyrgyz Republic  
on Readmission  
dated

**APPLICATION**  
**by the person to be readmitted in accordance with the Agreement of 17**  
**October 2016**  
**between the Government of the Republic of Kazakhstan and the**  
**Government of the Kyrgyz Republic on Readmission**

1. Full name, surname (underline surname)

\_\_\_\_\_

2. Former surname (if changed)

\_\_\_\_\_

3. Date and place of birth

\_\_\_\_\_

4. Personal identification document (No., date of issue, issuing authority, expiry date)

\_\_\_\_\_

5. Citizenship

\_\_\_\_\_

6. Information about family members residing in the State of the Requested Party \_\_\_\_\_

\_\_\_\_\_

7. Address of residence in the State of the Requested Party

\_\_\_\_\_

8. Date of entry into the territory of the State of the Requesting Party

\_\_\_\_\_

9. Mode of entry into the territory of the State of the Requesting Party

\_\_\_\_\_

10. Purpose of entry into the territory of the State of the Requesting Party

\_\_\_\_\_

11. Other information

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**Applicant's Signature**

” \_\_\_\_\_ “ \_\_\_\_\_ 20\_\_

Place of writing the Application

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Signature of the representative of the central competent authority of the Requesting Party \_\_\_\_\_

Annex 2  
to the Executive Protocol  
on the Implementation  
Procedure for  
the Agreement of 17 October  
2016 between  
the Government of the Republic  
of Kazakhstan and the  
Government of  
the Kyrgyz Republic  
on Readmission

National emblem of the Requesting  
Party

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(central competent

---

(place and date)

---

authority of the Requesting Party)

Number \_\_\_\_\_

To \_\_\_\_\_

(Name of the central competent authority of the Requested Party)

**Request for an Interview pursuant to Article 5 of the Executive Protocol on the Implementation Procedure for the Agreement of 17 October 2016 between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Readmission**

**A. Personal details:**

1. Full name, surname (underline surname) \_\_\_\_\_ Photo

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2. Former surname (if changed)

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3. Date and place of birth

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4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):

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5. Also known as (earlier names, other names used/ by which known or aliases):

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6. Nationality and language

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7. Marital status

---

married

single

(unmarried) divorced

widowed

If married: name of spouse and his(her) whereabouts

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Names and age of children (if any) and their whereabouts

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8. Last whereabouts in the State of the Requesting Party

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9. Last address in the State of the Requested Party

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10. Information on the itineraries

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11. Health condition (e.g. possible reference to special medical care needs; name of contagious disease):

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12. Indication of particularly dangerous person (e.g. suspected of committing a crime, propensity for violent behaviour, etc.):

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13. Documents, which the person has:

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a) \_\_\_\_\_  
(type of document) (date and place of issue)

\_\_\_\_\_  
(issuing authority) (expiry date)

b) \_\_\_\_\_  
(type of the document) (date and place of issue)

\_\_\_\_\_  
(issuing authority) (expiry date)

c) \_\_\_\_\_  
(type of document) (date and place of issue)

\_\_\_\_\_  
(issuing authority) (expiry date)

## **B. OBSERVATIONS**

Place of interview \_\_\_\_\_

Signature of Representative of the central competent  
authority of the Requesting Party \_\_\_\_\_

Place for stamp

Annex 3  
to the Executive Protocol  
on the Implementation  
Procedure for the Agreement of  
17 October 2016 between  
the Government of the Republic  
of Kazakhstan and the  
Government of  
the Kyrgyz Republic  
on Readmission

National emblem of the Requesting  
Party

\_\_\_\_\_  
(name of central competent authority of the Requesting Party) \_\_\_\_\_  
(place and date)

Number \_\_\_\_\_

To \_\_\_\_\_

(Name of central competent authority  
of the Requested Party)

**Readmission Application**  
**pursuant to Article 6 of the Executive Protocol on**  
**the Implementation Procedure for the Agreement of 17 October 2016**  
**between the Government of the Republic of Kazakhstan and the Government of**  
**the Kyrgyz Republic on Readmission**

**A. Personal details:**

1. Full name, surname (underline  
surname) \_\_\_\_\_

\_\_\_\_\_

Photograph

2. Former surname (if changed)  
\_\_\_\_\_

3. Date and place of birth  
\_\_\_\_\_

4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):  
\_\_\_\_\_

5. Also known as (earlier names, other names used/ by which known or aliases):  
\_\_\_\_\_

6. Nationality and language:  
\_\_\_\_\_

7. Permits issued: permanent/ temporary residence permits or visas  
\_\_\_\_\_

8. Marital status:  
\_\_\_\_\_

married

single

(unmarried) divorced

widowed

If married: name of spouse and his(her) whereabouts  
\_\_\_\_\_

Names and age of children (if any) and their whereabouts  
\_\_\_\_\_

8. Last whereabouts in the State of the Requesting Party

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9. Last address in the State of the Requested Party

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10. Last address of residence in the State of the Requested Party

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11. Itineraries \_\_\_\_\_

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12. Reasons for the decision about illegal entry or stay in the territory of the State of the Requesting Party

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**b. Special circumstances relating to the transferee**

1. Health condition (e.g. possible reference to special medical care needs; name of contagious disease): \_\_\_\_\_

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2. Indication of particularly dangerous person (e.g. suspected of committing a crime, propensity for violent behaviour, etc.): \_\_\_\_\_

---

**C. Evidence of citizenship attached**

1. Proof of citizenship:

a) \_\_\_\_\_  
(type of document) (date and place of issue)

---

(issuing authority) (expiry date)

---

b) \_\_\_\_\_  
(type of document) (date and place of issue)

---

(issuing authority) (expiry date)

---

c) \_\_\_\_\_  
(type of document) (date and place of issue)

---

(issuing authority) (expiry date)

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2. Documents allowing to validly assume citizenship

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**D. Observations** \_\_\_\_\_

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Signature of the representative of the central competent authority of the Requesting Party\_\_\_\_\_

Place for Stamp

Annex 4  
to the Executive Protocol  
on the Implementation  
Procedure for the Agreement of  
17 October 2016 between  
the Government of the Republic  
of Kazakhstan and the  
Government of  
the Kyrgyz Republic  
on Readmission

National emblem of the Requesting Party

\_\_\_\_\_  
(name of the central competent authority of the Requesting Party) \_\_\_\_\_  
(place and date)

Number \_\_\_\_\_

To \_\_\_\_\_

(Name of the central competent authority of the Requested Party)

**Transit application  
pursuant to Article 7 of the Executive Protocol on  
the Implementation Procedure for the Agreement of 17 October 17 2016  
between the Government of the Republic of Kazakhstan and the Government  
of the Kyrgyz Republic on Readmission**

**A. Personal details:**

1. Full name, surname ( underline the surname) \_\_\_\_\_

\_\_\_\_\_  
Photograph

2. Former surname (if changed)

3. Date and place of birth

\_\_\_\_\_

4. Sex and physical description (height, colour of eyes, distinguishing marks, etc.):

5. Also known as (earlier names, other names used/ by which known or aliases):  
\_\_\_\_\_

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6. Nationality and language

---

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7. Type and number of travel document

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**B. Special circumstances relating to the transferee**

1. Health condition (e.g. possible reference to special medical care needs; name of contagious disease): \_\_\_\_\_

2. Indication of particularly dangerous person (e.g. suspected of committing a crime, propensity for violent behaviour, etc.): \_\_\_\_\_

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**C. Transit operation**

1. State of destination

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2. Other possible states of transit

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3. Suggested point of the state border crossing, date, time and possible escorts

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4. Itinerary and travel time in transit

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**D. Observations** \_\_\_\_\_

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Admission guaranteed in any other transit state and (or) in the state of destination.

Signature of Representative of the central competent authority of the Requesting Party \_\_\_\_\_

Place for Stamp