

On approval of the Rules for registration of internal migrants and introduction of amendments to some decisions of the Government of the Republic of Kazakhstan

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated December 1, 2011 № 1427.

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In accordance with subparagraph 4 of Article 8 of the Law of the Republic of Kazakhstan dated July 22, 2011 “On Population Migration” the Government of the Republic of Kazakhstan **hereby RESOLVED as follows**

1. To approve the attached:

- 1) Rules for registration of internal migrants;
- 2) amendments to some decisions of the Government of the Republic of Kazakhstan.

2. The Ministry of Internal Affairs of the Republic of Kazakhstan shall take measures arising from this resolution within one month.

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

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated December 1, 2011 № 1427

Rules for registration of internal migrants

1. General provisions

1. These Rules for the registration of internal migrants (hereinafter referred to as the Rules) shall have been drawn up in accordance with the Law of the Republic of Kazakhstan dated July 22, 2011 "On Population Migration" and shall define the procedure for the registration of internal migrants in the territory of the Republic of Kazakhstan.

If an international treaty to which the Republic of Kazakhstan is a party established rules other than those contained in these Rules, the rules of the international treaty shall be applied.

2. Basic concepts and terms used herein:

1) internal migrant - a person who relocates independently within the Republic of Kazakhstan for the purpose of permanent or temporary residence;

2) competent authority (hereinafter referred to as the competent authority) - the public authority responsible for the registration and deregistration at the place of residence, as well as the registration at the place of temporary stay (residence) of internal migrants;

3) close relatives - parents (parent), children, adoptive parents, adopted children, full and half siblings, grandparents and grandchildren;

4) temporary residence (domicile) - a building, room or dwelling with an address that is not a place of residence and where a person stays (resides) temporarily.

Footnote. Paragraph 2 as reworded by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall enter into force ten calendar days after the date of its first official publication).

2. The procedure for the registration of internal migrants

3. Internal migrants (over fourteen years of age) may be registered at their place of residence and may be registered as temporarily staying (residing) based on their identity documents:

of nationals of the Republic of Kazakhstan - by territorial divisions of the competent authority via the e-government state corporation or the e-government web portal;

foreigners and stateless persons who have been granted permanent residence permits in the Republic of Kazakhstan under the migration legislation - by territorial divisions of the competent authority via the State Corporation.

The place of registration of an internal migrant shall be his/her legal address.

The place of residence shall be the settlement where the national permanently or predominantly resides.

The place of residence of persons under the age of fourteen (minors) or nationals under guardianship shall be the place of residence of their lawful guardians.

Footnote. Paragraph 3 as reworded by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall be put into effect ten calendar days after the date of its first official publication).

4. Internal migrants shall be registered at the place of temporary stay (residence) with the consent of the owner/s (employer) of the dwelling, expressed in written or electronic form and certified by a digital signature.

In order to confirm the right of the owner (employer) of the housing to register, the authorized body for the registration code of the address (RCA) shall receive from the information systems information on the owner confirming the grounds for the emergence of the right of ownership of the housing provided for in the Law of the Republic of Kazakhstan dated April 16, 1997 “On Housing Relations”.

Registration of internal migrants at the place of residence, account (registration) in the place of temporary stay (residence) shall be carried out in houses, flats, country buildings, gardening associations, cooperatives, hostels, hotels, holiday houses, sanatoria, dispensaries,

medical institutions, boarding schools, boarding houses, nursing homes and also the buildings and rooms used for stay (residence) of people.

Footnote. Paragraph 4 is in the wording of Decree of the Government of the Republic of Kazakhstan dated 05.23.2018 No. 285 (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall take effect ten calendar days after the date of its first official publication).

5. Registration at the place of residence, account (registration) in the place of temporary stay (residence) shall be subject:

1) Nationals of the Republic of Kazakhstan permanently residing on its territory and moving within the state for permanent or temporary residence, as well as those arriving for permanent residence or temporary residence from abroad;

2) foreigners and stateless persons permanently residing in the Republic of Kazakhstan;

3) foreigners and stateless persons having received refugee status.

Footnote. Paragraph 5 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.06.2017 No. 364 (shall be enforced upon expiry of ten calendar days from the date of its first official publication); No. 30 of 04.02.2020 (shall be promulgated ten calendar days after the date of its first official publication).

6. Internal migrants, nationals of the Republic of Kazakhstan arriving outside the country and subject to registration shall submit the following documents to the competent authority within 10 calendar days of arrival at the new place of residence, temporary stay (residence):

1) an identity document (for children under 16 years of age - a birth certificate);

2) an identity document of the owner of the home or the authorised person (presence of the owner or authorised person is compulsory) and a written consent of the owner or authorised person for the permanent or temporary registration of the applicant in the form prescribed by the competent authority (when registering in houses and premises used for residence (stay) of people - an application for registration from the administration of the organisation (institution)).

When a homeowner registers in a dwelling he/she owns, his/her consent to register shall not be required.

Nationals of the Republic of Kazakhstan arriving from outside the country for permanent residence shall provide a passport (if the passport has been lost or expired during their stay outside the Republic of Kazakhstan, a certificate of return), a document proving deregistration from the country of previous residence, or a certificate of statelessness issued by the competent body of the country of previous residence.

If there is no document proving deregistration from the country of previous residence, certificate of statelessness, the national shall be registered at the place of temporary stay (residence) for the period of requesting (receiving) one of these documents from the country of previous residence.

Footnote. Paragraph 6 as reworded by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall become effective ten calendar days after the date of its first official publication).

7. Refugees shall provide the documents provided for in paragraph 6 of these Rules for registration in the territorial division of the authorized body within five days.

Footnote. Paragraph 7 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.06.2017 No. 364 (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

8. is excluded by the resolution of the Government of the Republic of Kazakhstan dated 05.23.2018 No. 285 (shall be enforced upon expiry of ten calendar days after the day its first official publication);

9. Internal migrants shall be subject to removal from residence registration:

- 1) having left for permanent residence outside the republic;
- 2) recognized by the court as having lost the right to use the accommodation;
- 3) upon application of the owner of the housing, building or premises, without participation of the person removed from registration and his identification document;
- 4) the dead;
- 5) in case of cancellation of the previously issued permit for permanent residence in the Republic of Kazakhstan to foreigners, stateless persons.

Footnote. Paragraph 9 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.06.2017 No. 364 (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

10. Records of registered and deregistered internal migrants shall be kept by internal affairs authorities under the procedure prescribed by the Ministry of Internal Affairs of the Republic of Kazakhstan.

Internal migrants shall be registered and deregistered at the place of residence, registered at the place of temporary stay (residence) by entering data into the information systems Registration Office Documentation and Registration of Population and Registration Office Documentation and Registration of Foreigners and transferring them to the Natural Persons State Database.

When internal migrants register at a new place of residence, registration at the place of temporary stay (residence), deregistration at the former address in the information system shall be simultaneously performed.

Deregistration of deceased persons in the above-mentioned information systems shall be the date of the transfer into the category of invalid identity documents of the owners due to death or receipt of information from the civil registry authorities.

Address registration or deregistration at the place of residence, at the place of temporary stay (residence), registration at the place of temporary stay (residence) of a natural person, as well as details on persons registered at the same address, shall be confirmed by information

on the address entered into the Natural Persons State Database and transmitted to the e-government web portal.

Information via the e-government portal shall be obtained by:

natural persons - on their registration address;

homeowners - on persons registered at the same address.

Where residents of border territories of the Republic of Kazakhstan and the Russian Federation cross the Kazakh-Russian state border, the document confirming the address of registration of the internal migrant shall be data proving the registration at the permanent place of residence in the settlement of the border territory, as per Enclosure 3 to the Treaty between the Government of the Republic of Kazakhstan and the Government of the Russian Federation on the Procedure for the Crossing of the Kazakh-Russian State Border by Residents of the Border Territories of the Republic of Kazakhstan and the Russian Federation, ratified by the Law of the Republic of Kazakhstan on July 21, 2007.

Data on the address of registration shall be issued to residents of the border territories by the territorial units of the competent authority via the state corporation or the e-government web portal.

Footnote. Paragraph 10 as reworded by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall enter into force ten calendar days after the date of its first official publication).

11. If during registration or removal from registration violations of the legislation of the Republic of Kazakhstan were committed, the decision on registration or removal from registration should be cancelled by the territorial division of the authorized body, which issued it, as well as by the higher authorized body or court.

The request to cancel or restore registration at the place of residence shall be made by the interested legal entity or an individual within the time limits established by the legislation of the Republic of Kazakhstan.

12. The Ministry of Internal Affairs of the Republic of Kazakhstan shall determine and issue the forms of data proving registration at the permanent place of residence in the settlement of the border area, the forms required for registration at the place of residence and for deregistration.

Footnote. Paragraph 12 as reworded by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall come into force ten calendar days after the date of its first official publication).

13. Internal migrants having arrived for temporary stay (residence) for more than one month shall be registered by the internal affairs agencies at the place of temporary stay (residence) within 10 calendar days from the date of arrival, without being removed from registration at the place of residence.

Registration at the place of temporary stay (residence) shall be a temporary registration. Registration at the place of residence shall be permanent registration.

Temporary registration shall be carried out for a period of one month to a year.

Persons whose performance of official duties, the stay to study shall be connected with long (more than one year) residence outside the place of residence (if there is a confirmation document) shall be counted for the whole period necessary for the performance of duties without removal from registration at the place of residence.

The children under 16 years old, the citizens having disability with permanent disorder of functions of an organism limiting their activity, being in medical institutions, the persons working with a shift method shall not be subject to account (registration) in the place of temporary stay (residence).

When leaving the place of temporary stay earlier than the declared period, the removal of persons from the temporary register shall be executed on the application of the owner (attorney) of the housing, building or premises or on the application of the internal migrant.

Footnote. Paragraph 13 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.06.2017 No. 364 (shall be enforced upon expiry of ten calendar days from the date of its first official publication); as amended by Decree of the Government of the Republic of Kazakhstan No. 30 of 04.02.2020 (shall be brought into force ten calendar days after the date of its first official publication).

14. Foreigners and stateless persons arriving temporarily in the Republic of Kazakhstan shall be registered in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

15. The registration of members of the Armed Forces of the member States of the Commonwealth of Independent States at their place of residence shall be carried out on the basis of passports and identity cards of members of the armed forces.

Footnote. Paragraph 15 is in the wording of Decree of the Government of the Republic of Kazakhstan dated 02.12.2016 No. 757 (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

16. In the interests of national security and public order, the laws shall establish restrictions on the choice of residence and freedom of movement in some areas of the Republic of Kazakhstan. Other restrictions may not be imposed.

In order to register internal migrants having arrived at the place of permanent residence or temporary stay in settlements under special regime (closed administrative-territorial entities), the authorization of the competent authorities, issued in accordance with the established procedure, shall be submitted. At the same time, persons permanently residing in the territory of the border zone, territorial subdivisions of the authorized body shall be issued with a document confirming their residence in the border zone to passports and identity cards.

Footnote. Paragraph 16 as amended by the Decree of the Government of the Republic of Kazakhstan dated March 19, 2012 No. 343 (shall be enforced upon expiry of ten calendar days after the first official publication).

17. In areas where there shall be restrictions on the choice of place of residence, persons having arrived for permanent residence with close relatives, having been temporarily absent and released from places of deprivation of liberty (if they have lived in the area before their conviction) shall not be refused the registration.

In order to exercise the right to vote and include a citizen in the voter list in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan", registration of persons removed from registration at their place of residence on the basis of an application from the owner of a facility, building or premises on election day is allowed in a building or premises at the address of a polling station.

Footnote. Paragraph 17 as amended by the resolution of the Government of the Republic of Kazakhstan dated 22.10.2022 № 845 (effective ten calendar days after the date of its first official publication).