

INFORMATION FOR ASYLUM-SEEKERS AND REFUGEES IN THE REPUBLIC OF KAZAKHSTAN

The Republic of Kazakhstan has acceded to the 1951 Convention relating to the Status of Refugees and it has a national law on refugees that entered into force in 2010. As such, all claims for asylum should be submitted to the Migration Service Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan.

Who is an asylum-seeker in Kazakhstan?

In accordance with national legislation of Kazakhstan, an asylum-seeker is a foreigner or stateless person who has expressed intention to apply for asylum in the Republic of Kazakhstan until a final decision is delivered by the authorized body on their asylum application.

Who is a refugee in Kazakhstan?

In accordance with national legislation of Kazakhstan, refugee is a foreigner who owing to a well-founded fear of being persecuted for reasons of race, ethnicity, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country; or a stateless person, who is outside the country of his former habitual residence and is unable or, unwilling to return there owing to such fear.

What agency is responsible for asylum issues in Kazakhstan?

The Migration Service Committee of the Ministry of Internal Affairs and its territorial departments are the competent government authorities responsible for asylum issues in Kazakhstan.

How can I apply for refugee status in Kazakhstan?

In accordance with national legislation of Kazakhstan, an asylum-seeker may submit an asylum application in writing, in person or through an authorized representative, to the territorial department of the Migration Service Committee within five calendar days upon arrival to Kazakhstan or from the moment an asylum-seeker has learnt about circumstances giving rise to fear to become victim of persecution based on race, ethnicity, religion, nationality, membership of a particular social group or political opinion. On crossing the state border a person shall submit an asylum application in writing to the migration office at the border; or, if the migration office is absent, to the border guards. In case of irregular border crossing, the asylum-seeker shall apply to the authorized migration service department within one day.

If you wish to apply for asylum, you may approach:

Migration Service Department of Internal Affairs of Nur-Sultan city

Address: **31 Imanov St., Nur-Sultan city**

Migration Service Department of Internal Affairs of Almaty city, Almaty oblast and Shymkent city

Almaty city: 109 Karasay Batyr St.

Shymkent city: 3 Zheltoksan St.

Taldykorgan city: 36 Balpyk Bi St.

You may also file asylum application at the Migration Service Departments in other cities. For more information on addresses of Migration Service Departments in different cities, please refer to the following website: https://egov.kz/cms/ru/articles/dep_ia.

If you have not yet arrived in Kazakhstan, you may submit an asylum application in writing, in person or through an authorized representative to the diplomatic representation or consular agency of the Republic of Kazakhstan. The diplomatic representation or consular agency of the Republic of Kazakhstan will forward your asylum application to the authorized entity for consideration.

I registered my asylum application. What is next?

Once an asylum application is registered, you will be issued an asylum-seeker's certificate which will provide you with confirmation of a legal status allowing you to remain in Kazakhstan until the final adjudication of the asylum application will be made. Within three months of the registration of the asylum application, you will be invited to an interview with Migration Service where you will be given opportunity to explain the reasons of your flight from your country and fear of return there. You will be notified about the decision within three months after registration. In some cases, when additional review is needed, a decision may be issued within one year from the registration date.

My application for refugee status was rejected. What is next?

If your asylum application is rejected, you will receive written notification with the reasons for rejection. If you believe that you have been issued with an erroneous decision, you have the right to appeal the negative decision within three months from your receipt of the decision at the higher instance of the authorized body, the second instance, and/or at the court (three instances). The decision of the Supreme Court is final.

What are my rights and obligations as an asylum-seeker in Kazakhstan?

As an asylum-seeker, you have the following rights in accordance with the legislation of Kazakhstan. You have the right to access free interpretation/translation services and information about the refugee status determination procedure, asylum-seeker rights and responsibilities from the Migration Service; to apply for refugee status through consular bodies of the Republic of Kazakhstan; to withdraw your refugee status application; to appeal the decision of Migration Service on rejection of refugee status; to reside in the Republic of Kazakhstan until a final decision is made on your asylum application, including appeal periods; to voluntarily return to your country of origin or voluntarily depart to another country; to health services in accordance with the healthcare legislation of the Republic of Kazakhstan; to freedom of employment and entrepreneurship in accordance with the legislation of the Republic of Kazakhstan; to judicial protection of property and personal non-property rights and benefits. You also have other rights and freedoms as well as responsibilities provided by the Constitution, laws and international treaties of the Republic of Kazakhstan.

What are my rights and obligations as a refugee in Kazakhstan?

As a refugee, you have the following rights in accordance with the legislation of Kazakhstan. You have the right to stay in Kazakhstan and move within the country and abroad with a refugee travel

document issued by the authorities of Kazakhstan, except the country of your origin; request for information from relevant state authorities about your relatives staying in the country of origin; appeal against the decision of the authorised body on revocation, cessation or refusal to extend your refugee status; to health services in accordance with the healthcare legislation of the Republic of Kazakhstan; to freedom of employment and entrepreneurship in accordance with the legislation of the Republic of Kazakhstan; to judicial protection of property and personal non-property rights and benefits. You have a right for family reunification with your spouse and dependent children. You shall not be forcibly returned to a territory where you may face danger. You also have other rights and freedoms as well as responsibilities provided by the Constitution, laws and international treaties of the Republic of Kazakhstan.

Where can I find more information about support for refugees and asylum-seekers in Kazakhstan?

For more information on asylum procedures in Kazakhstan, including the contact details of the relevant authorities and type of assistance provided by UNHCR, please refer to the following link at: <http://www.unhcr.kz/eng/resources/information-for-refugees/kazakhstan/> .

UNHCR's role and activities in Kazakhstan

UNHCR in Kazakhstan provides legal assistance to persons of concern through its Partners and it has an advisory role to promote implementation of the 1951 Refugee Convention. Partners of UNHCR may cover medical expenses of and provide limited financial assistance to the most vulnerable refugees and asylum-seekers.

UNHCR and its Partners monitor access of asylum-seekers to the territory and asylum procedures, and advocate for integration of refugees in Kazakhstan.

For any issues related to asylum in the Republic of Kazakhstan you may contact UNHCR Representation in Kazakhstan:

14 Mambetov St., Nur-Sultan; tel: +7(717)269 6545.

Hotline: +7(701)744 7238.

What are UNHCR Partner organizations in Kazakhstan?

UNHCR works in close cooperation with NGO partners to promote refugees' access to asylum procedures, protection and integration in Kazakhstan. All services and assistance provided to refugees and asylum-seekers are free of charge.

UNHCR Partner, **Kazakhstan International Bureau for Human Rights**, provides legal counselling and assistance to asylum-seekers, refugees and stateless persons:

- Kazakhstan International Bureau for Human Rights and Rule of Law (BHR):
 - *Almaty:* House 4a, Office 423, 8th Microdistrict, tel.: +7(727)249 6044.
 - *Shymkent:* Office 44, 49 Kazybek Bi St., tel.: +7(701)558 9253.

UNHCR Partner, **Kazakhstan Red Crescent Society**, provides financial, medical and social assistance to asylum-seekers and refugees:

- **Kazakhstan Red Crescent Society**, First Floor, 86 Kunaev Street, Almaty, +7(727)291 3791.

UNHCR is committed to providing a trustful, respectful and inclusive environment in which the people we serve to and those who work for the organization feel safe, are heard, equipped and empowered to speak up for themselves as well as to responding to and preventing sexual exploitation/abuse and sexual harassment.

CONFIDENTIALITY

All information provided by asylum-seekers and refugees is confidential.