

*To all our clients and friends*

## **INFORMATION LETTER**

### **Concerning the Latest Amendments to the Migration Legislation of the Republic of Kazakhstan**

Kazakhstan developed the new Visa Issue Rules<sup>1</sup> (hereinafter, the Rules), which also affect the issues of execution and coordination of invitations for foreigners to enter Kazakhstan, as well as cancellation, restoration and extension of visas, and reduction of the terms thereof.

The Rules are put into effect starting 1 January 2017, and the 2013 Visa Issue Rules<sup>2</sup> previously in effect concurrently cease to be effective.

#### **1. Visa Categories**

Visas may be divided into single entry and multiple entry visas, granting a holder the right to enter the RK only once or several times, pass across its territory, stay in the RK and exit from the RK for a period, for the purposes and under the conditions established in visa. Moreover, there are visas to exit the RK, allowing a holder to stay in the RK and exit the RK for a period and under the conditions established in visa.

The Rules provide for three key categories of visas: "A," "B" and "C," each of which comprises special types of visas.

For example, category "A" includes 5 types of visas (A1 and A2 diplomatic visas; A3 and A4 service visas, and A5 investor visa).

Category "B" includes 22 types of visas (B1-B3 business visas, visas to persons for transportation by different types of transport, participation in religious events, and other).

Category "C" includes 12 types of visas (including C3 and C4 work visas, visas for treatment, permanent residence in the RK, family reunification, etc.).

The category, recipient, number of entries, term of validity, period of stay in the RK territory and grounds for issuing visas are defined depending on the purpose of visit to Kazakhstan.

The most relevant for business are investor, business and work visas.

#### **2. Investor Visas**

Investor visas (A5) are issued to managers and representatives of top-line management of foreign companies participating in investment in the Kazakhstan economy, as well as to their family members.

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<sup>1</sup> Joint Order No. 11-1-2/555 of the RK Minister of Foreign Affairs of 24 November 2016 and No. 1100 of the RK Minister of Internal Affairs of 28 November 2016 "On Approval of the Rules for Execution of Invitations, Coordination of Invitations for Foreigners' and Stateless Persons' Entry into the Republic of Kazakhstan, Issue, Cancellation and Restoration of the Republic of Kazakhstan Visas, as well as Extension and Reduction of the Terms Thereof."

<sup>2</sup> Joint Order No. 08-1-1-1/71 of the RK Minister of Foreign Affairs of 5 March 2013 and No. 175 of the RK Minister of Internal Affairs of 7 March 2013 "On Approval of the Rules for Issuing the Republic of Kazakhstan Visas, and Extension and Reduction of the Terms Thereof."



These may be single entry visas issued for a period up to 90 days, or multiple entry visas with the term up to 3 years.

### **3. Business Visas**

B1 business visas are issued to foreigners going to the RK to partake in conferences, symposia, forums, exhibitions, concerts, or cultural, scientific, sports and other events, meetings, round tables, and expert meetings. Such visas may only be single entry visas with the term up to 90 days and the right to stay in the RK territory for a period not to exceed 60 days.

B1 business visas may also be issued to foreigners going to the RK to partake in youth exchange programs, student exchange programs and school exchange programs; to read lectures and teach classes at educational institutions; or to support humanitarian aid. However, these may be single entry visas with the validity term up to 90 days and the right to stay in the RK territory for a period not to exceed 60 days, or multiple entry visas with the validity term up to 12 months and the right to stay in the RK territory for a period not to exceed 60 days at each entry.

B2 business visas are issued to persons going to the RK to assemble, repair and perform technical maintenance of equipment; to provide consultation and auditing services. Such visas may be single entry visas with the validity term up to 90 days and the right to stay in the RK territory for a period not to exceed 30 days, or multiple entry visas with the validity term up to 180 days and the right to stay in the RK territory during the said period for up to 90 days.

B3 visas are issued to foreigners who are founders or members of boards of directors of local legal entities, or to those entering the RK to participate in business negotiations or enter into contracts. Such visas are issued on a one-time basis for a period not to exceed 90 days with the right to stay in the RK for a period not to exceed 30 days, or for multiple entries within a period up to 12 months and the right to stay in the RK territory for a period not to exceed 30 days at each entry.

It is worth mentioning here that the new Rules excluded "business trip" from the purposes of visit to the RK under a business visa. This is to say that a foreigner's business trip to the RK is itself possible, but in order to obtain a business visa the purpose of such business trip is to correspond to the above listed purposes provided for by the Rules; otherwise, it will not be possible to obtain a business visa, and a foreigner will have to consider other visa categories (for example, work visa).

### **4. Work Visas**

Work visas are issued to foreign citizens going to Kazakhstan to work in case they have work permits (C3 visa is issued not only to foreign employees, but also to family members going with them) or job placement certificates (C4); as well as to business migrants for carrying out of entrepreneurial activities by way of setting up legal entities in the RK territory or acquiring participation interests in already established legal entities (C5).

C3-C5 visas may be single entry visas with the validity term up to 90 days, or multiple entry visas with the validity term up to 3 years. They may also be issued for the effective period of a work permit with the right to stay in the RK during the entire period of visa. The validity term of C3 visa issued for the work at Astana International Financial Center may be increased up to 5 years.

### **5. Exit Visas**

The Rules provide for 9 types of visas for the exit from the RK territory (B14-B22). They all relate to situations where a foreigner is forced to leave the RK territory in connection with bringing to administrative or criminal liability, or in case his/her period of stay in the RK was reduced, he/she lost passport in the RK territory or failed to exit in time (until expiration of the initial visa) in the event the flight is delayed or cancelled; or if a foreigner permanently resides in the RK territory and exits the RK for a permanent place of residence.

Exit visas are issued on a one-time basis for a term of 15-90 days based on permits, resolutions, opinions or ordinances of the RK respective authorized agencies.

## **6. Where to Apply for Visa?**

Visas are issued abroad by the Kazakhstan foreign establishments. Visas may be issued in the Kazakhstan territory by the department of Consular Service of the RK Ministry of Foreign Affairs and Migration Police Administrations of the RK Ministry of Internal Affairs. Visa may also be obtained at Kazakhstan airports if an applicant has a duly executed invitation from the Kazakhstan party, and in some other cases.

We would like to specifically point out that the host party's applications for invitation of foreigners to the RK will not be considered, if the host party previously failed to ensure the compliance with the legislation on legal status of foreigners and migration legislation by visa holders. The lists of such individuals and legal entities failing to ensure the compliance, as well as visa holders who are prohibited to enter the RK, are introduced by the RK National Security Committee and the Ministry of Internal Affairs into UIS Berkut.

## **7. Procedure for Extending Visas and for Changing One Category for Another**

Visas may be extended by the RK Ministry of Internal Affairs and the Ministry of Foreign Affairs upon an application from the host party, which previously executed an invitation for the initial visa, once the host party submits the documents supporting the necessity to extend the period of stay in the RK, or in connection with force-majeure circumstances. A business visa may be extended for up to 30 days, while a work visa – if the work permit / job placement certificate is in place, for the term of such document, but not for more than 3 years.

The Rules provide for a possibility to change one visa category for another in the RK territory (without exiting the RK), but only with respect to certain categories of visas. For example, a person holding a work visa (C3-C5) or a business visa (B3) may change it for an investor visa (A5), or a person holding a business visa (B2-B3) may change it for a work visa (C3), having applied to the RK Ministry of Internal Affairs.

## **8. Other Amendments**

The Rules provide for some other updated regulations, including a requirement on the presence of at least 2 empty pages for the purposes of visa obtainment, and possibility to use a refugee identity card and asylum-seeker identity card as the documents substituting passport.

Should you have any additional questions in connection with this Information Letter, we would be happy to provide you with more detailed information.

Best regards,  
AEQUITAS Law Firm