

LATEST AMENDMENTS TO MIGRATION LEGISLATION

The amendments to the rules of foreigners' stay in Kazakhstan will enter into force starting from 27 January 2023. These amendments are intended to eliminate such phenomenon as the "VISA RUN" (restart of the term of permitted stay in a country by way of a short-term trip outside the country and back), which is often applied by the citizens of neighboring countries for the purposes of long-term residence in the Kazakhstan territory without additional permits.

Previously, the limits on the terms of stay of foreigners were secured in the Law on Population Migration (Article 6.4), as follows: term of temporary stay in Kazakhstan of a foreigner arriving under the visa-free procedure cannot exceed 30 calendar days per one entry and 90 calendar days in total within each period of 180 calendar days; however, with a reservation regarding non-applicability of such limitation in case international agreements or the Kazakhstan Government provide for otherwise. In turn, the Government Decree No. 148 of 21 January 2012 (GD 148) limited only the total term of stay without specifying a period. Thus, this difference between the Law on Population Migration and the GD 148 is now eliminated.

According to the revised version of the GD 148:

- Permitted period of stay of foreigners in Kazakhstan ends:
 - for the foreigners arriving in Kazakhstan under the visa-free procedure – upon expiration of 30 calendar days of the date of crossing the state border of Kazakhstan (total duration of stay within each period of 180 calendar days must not exceed 90 calendar days), unless other conditions are provided for by the Government of Kazakhstan or an agreement of Kazakhstan with a relevant state;
 - for the citizens of the EAEU member states – upon expiration of 90 calendar days of the date of crossing the state border of Kazakhstan (total duration of stay within each period of 180 calendar days must not exceed 90 calendar days);
 - for the foreigners arriving on the basis of a visa – upon expiration of such visa; and
 - for the citizens of the states, with which Kazakhstan has ratified international agreements establishing other terms of stay – upon expiration of the terms specified in such agreements.
- For the foreigners arriving in Kazakhstan, the 180-day period will be calculated from the date of their initial (for a relevant period) crossing of the border. If the excess of the permitted term of stay is established at the entry, no entry will be allowed. For the foreigners who already stay in Kazakhstan, the permitted term of stay is checked (calculated) by way of counting down 180 calendar days of the date of control (date for which it is required to establish lawfulness of stay). The permitted term of stay is checked when a foreigner leaves Kazakhstan by way of counting down 180 calendar days of the date of actual departure.
- The above requirements do not apply to foreigners obtaining a temporary residence permit, and the permitted term of stay ends for them upon expiration of the validity term of such permit.

- In exceptional cases (in social, natural or man-triggered emergency situations and in case of introducing the state of emergency in connection with a real threat of a natural disaster or major accident (crisis), and interruptions in the transportation schedule) – term of stay will be extended for a period required to organize departure, but for no more than 30 calendar days.

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

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