



# Migration Governance Snapshot: the Republic of Kazakhstan

**May 2018**

In 2015, IOM developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)<sup>1</sup> were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions, instead it operates as an input-based benchmarking framework that offers insights on policy measures that countries can action to strengthen migration governance. The MGI is not meant to rank countries on the design or implementation of migration policies, but rather to be a framework to help countries in the assessment of the comprehensiveness of their migration policies, as well as to identify gaps and areas that could be strengthened. The MGI aims to assist countries when advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [SDG Target 10.7](#).

This country snapshot describes the well-governed areas of the Republic of Kazakhstan’s (hereafter referred to as Kazakhstan) migration governance structures and areas with potential for further development, as evaluated by the six domains of the MGI.

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<sup>1</sup> The Migration Governance Indicators (MGI) initiative is a policy-benchmarking programme led by the International Organization for Migration (IOM) and implemented with the support of the Economist Intelligence Unit. Funding is provided by the Government of Sweden.

The opinions expressed in this report are those of the authors and do not necessarily reflect the views of Sweden or the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply expression of any opinion whatsoever on the part of IOM concerning legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

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# Key findings

## I. Adherence to international standards and fulfilment of migrants' rights

### International conventions ratified

Convention name	Ratified
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	No
Convention Relating to the Status of Refugees, 1951	Yes (1999)
Convention relating to the Status of Stateless Persons, 1954	No
Convention on the Reduction of Statelessness, 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1994)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No

### Migration Governance: examples of well-developed areas

Article 30 of the [Constitution of the Republic of Kazakhstan](#) contains norms related to education. Pursuant to those norms, immigrants are guaranteed access to preschool, and primary and secondary education in public educational institutions. In September 2010, the Minister of Education and Science issued a new order “On the Rules for Education of Foreigners and Stateless Persons in the Republic of Kazakhstan”, which ratifies the right to education of migrant children.

In accordance with the Code of the Republic of Kazakhstan, “On People’s Health and the Healthcare System”, regular immigrants and stateless persons in the territory of the Republic of Kazakhstan have the right to receive free medical assistance (GAFMA) in the case of acute diseases listed by the Government, unless otherwise stipulated in international agreements. Medical services not included in the GAFMA list are provided when paid for privately.

Kazakhstan offers immigrants a favourable framework for achieving long-term residency. Legal residents can apply for a permanent residence permit without a defined prerequisite length of residence. Furthermore, immigrants can apply for citizenship after five years of permanent residency or three years of marriage with a Kazakh citizen.

The Law on Migration of the Republic of Kazakhstan, adopted in 2011, includes a family reunification procedure that after two years of residency allows permanent residents and immigrants who own a business in Kazakhstan to bring their spouses, children and dependent parents into the country. Kazakhstan’s legislation and immigration quotas also enable Oralmans (ethnic Kazakh repatriates) to bring their family members to the country as soon as they return.

The changes to the Law on Special Social Services, introduced in February 2014, added victims of trafficking in human beings residing in Kazakhstan to the beneficiaries of the state-funded special social services, which include health care, as well as social, psychological, educational, employment, cultural, economic and legal support. These services are also available to repatriated ethnic Kazakhs, stateless persons, and foreign citizens who have been victims of trafficking in the country.

### Areas with potential for further development

Although regular immigrants and stateless persons in the territory of the Republic of Kazakhstan have the right to free medical assistance (GAFMA), irregular and undocumented migrants do not have access to the health-care system beyond emergency treatment.

While Kazakhstan is making efforts to extend social security rights to citizens of the Eurasian Economic Union (EEU), immigrants currently have limited access to social security and cannot receive pensions, regardless of their legal status. Migrant workers are not covered by the law “On the Mandatory Social Insurance”, and are not entitled to receive any social allowances.

Migrants’ right to work is somewhat restricted as they may be barred from certain labour activities. For example, the Law on Security Activities explicitly prohibits non-nationals from working in private security companies. While non-nationals are allowed to work in state institutions on a case-by-case basis, there are restrictions in place around self-employment.

Civil participation is an area that could be improved, as non-nationals cannot participate in local or regional elections, regardless of their legal/residency status.

## **2. Formulates policy using evidence and whole-of-government approach**

### **Migration Governance: examples of well-developed areas**

At the institutional level, Kazakhstan has a set of government structures in place responsible for formulating and implementing migration policies. The Ministry of Labour and Social Protection is responsible for designing and coordinating migration policies, while the Ministry of Interior regulates inward migration through a dedicated Migration Service Committee. Furthermore, these ministries are responsible for adaptation and integration centres assisting repatriated ethnic Kazakhs, and for the coordination of work on diaspora members.

The country offers a coherent legal framework for migration, based on the 2011 Law on Migration. The framework regulates inward migration, defines categories of migrants, and lays out specific immigration procedures. Furthermore, Kazakhstan recently adopted a new Migration Policy Concept for 2017–2021, which outlines the country’s migration objectives. This strategic document is aligned with Kazakhstan’s Strategy 2050, which lays out a roadmap for achieving sustainable economic growth.

The main agencies collecting data on migration in Kazakhstan include: Committee on Statistics, Ministry of Interior, Ministry of Labour and Social Protection, Border Service of the Kazakh National Security Committee (KNS), Ministry of Foreign Affairs and Ministry of Education. The foreign population database, based on the Berkut Information and Security System software, mainly belongs to the National Security Service, and both the Ministry of Foreign Affairs and the Ministry of Interior have access to the system. The Ministry of Labour and Social Protection collects data on labour immigrants (non-nationals) and emigrants (nationals moving abroad). Statistics of immigration are based on reports of employers with a licence to hire migrant workers or to export national labour force abroad. Information on international students in Kazakhstan is collected by the Committee on Statistics directly from tertiary and secondary professional education institutions.

### **Areas with potential for further development**

Kazakhstan is primarily a country of immigration and it does not currently have national legislation governing emigration. Kazakh citizens wishing to deregister from their residence in Kazakhstan and reside abroad are required to notify, and obtain permission from, the Kazakh Ministry of Interior.

Although Kazakhstan’s legal framework on migration is well developed, policy coherence between different government entities could be strengthened. While some inter-ministerial coordination meetings take place, this does not occur on a regular basis and the results of these discussions are not easily accessible to the general public or experts.

National mechanisms for the protection of migrants' rights can be developed further. There is a lack of clarity surrounding the current state of migration rules and regulations given the absence of a central government source of up-to-date information.

### **3. Engages with partners to address migration and related issues**

#### **Migration Governance: examples of well-developed areas**

Kazakhstan actively engages in the discussion of migration issues at the international level as a participant of the Global Forum on Migration and Development (GFMD). It is also a member state of IOM and has been actively involved in a number of IOM-led initiatives.

Kazakhstan plays a leading role in regional migration governance and is a member of two regional consultative processes: the Almaty and the Budapest Processes. The first Regional Conference on Refugee Protection and International Migration was held in Almaty in March 2011, and resulted in the unanimous adoption of the Almaty Declaration. The Declaration acknowledged the continued need to address the multiple challenges resulting from complex migration dynamics and mixed migratory movements in Central Asia and the wider region, in a cooperative and coordinated manner. On 5 June 2013, participating States in the second Ministerial Conference on Refugee Protection and International Migration of the Almaty Process reaffirmed their commitments. Although the Chair of the Almaty Process has passed to the Government of the Kyrgyz Republic, the Government of Kazakhstan continues to support the Almaty Process and relevant capacity-building activities, further enhancing regional cooperation among Central Asian and Almaty Process member and observer countries. Kazakhstan joined the Budapest process in 2003. A consultative forum with over fifty governments and ten international organizations, the Budapest process aims at developing comprehensive and sustainable systems for orderly migration.

A major development in terms of labour mobility has been Kazakhstan's membership of the Eurasian Economic Union (EEU) and access to the common labour market of the Russian Federation, Belarus, the Kyrgyz Republic and Armenia. Kazakhstan is also making efforts to improve labour mobility in other organizations through a number of agreements including: a recommendation in the form of the legal act "Labour Migration in the Countries of the Commonwealth of Independent States (CIS)"; an agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on Labour Activity and Social Protection of Labour Migrants Employed in Agriculture close to border areas; an Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Tajikistan on Labour Activity and Social Protection of Labour Migrants; an agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Belarus on Labour Activity and Social Protection of Labour Migrants; and an agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on Labour Activity and Social Protection of Labour Migrants.

#### **Areas with potential for further development**

Kazakhstan has neither ratified nor signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Neither has it ratified the ILO Migration Employment Convention (Revised) 1949, or the ILO Migrant Workers Convention (Supplementary Provisions) 1975. The country is not party to the Statelessness Conventions. In order to improve the regulation of labour migration, and organization of the system for protection of migrant workers' rights in Kazakhstan, legislative and institutional changes, as well as the development of inter-agency and international cooperation are recommended.

Engagement of the private sector and civil society organizations in migration-related policymaking remains limited and irregular. Representatives of civil society are occasionally invited to round-table discussions on migration-related issues organized by the Parliament, while private-sector stakeholders are sometimes

consulted for framework design of parliamentary working groups on new migration legislation. IOM is a member of one such working group, and also gathers recommendations and suggestions on legislative improvements from its civil society partners as part of this process.

## 4. Advances the socioeconomic well-being of migrants and society

### **Migration Governance: examples of well-developed areas**

The Republic of Kazakhstan guarantees the protection of the rights and freedoms of migrant workers in accordance with its Constitution, laws and international agreements. Kazakhstan regulates labour immigration through the Ministry of Labour and Social Protection, setting annual quotas for migrant labour by economic sector and region, based on demand and input from local authorities. The Ministry of Labour and Social Protection has also published a list of strategically important occupations, to which foreign citizens can apply independently. Some visa and work permit categories are tailored to specific migrant groups, such as immigrants who wish to start their own business in Kazakhstan and temporary labour migrants looking to work in private households.

The Kazakh Ministry of Labour and Social Protection operates an accreditation system, which evaluates and recognizes the skills and qualifications of migrants wishing to be employed in occupations that are strategically important to the national economy. Kazakhstan is a party to a number of international conventions on the recognition of foreign degrees, including the Lisbon Convention and the Bologna Processes. As a member of the EEU, it recognizes qualifications issued by other members as well.

### **Areas with potential for further development**

While Kazakhstan welcomes international students into its universities, they do not enjoy the same rights as their Kazakh peers. For instance, international students are not eligible for government tuition grants, unless they are citizens of Belarus, the Kyrgyz Republic, the Russian Federation and Tajikistan (based on a 1998 multilateral agreement). Moreover, Kazakh legislation does not allow international students to stay in the country for work after graduation. With the exception of students from the EEU, international students are not permitted to work outside of their university during their studies.

Resolution No.296 of the Government of the Republic of Kazakhstan, “On the Approval of the Quota for Enrolment of Students to Educational Institutions Implementing Vocational Training Programs for Technical, Occupational, Post-Secondary and Higher Education”, sets a quota for the enrolment in universities of students of ethnic Kazakh origin who are not citizens of the Republic of Kazakhstan.

While Kazakhstan has signed bilateral agreements with some states protecting migrants from exploitation, few measures to promote the ethical recruitment of immigrants in Kazakhstan are in place. Furthermore, protecting rights of Kazakh nationals working abroad has not been a policy priority, and besides consular assistance, there are no specific mechanisms in place to defend the rights of Kazakh migrant workers abroad.

## 5. Effectively addresses the mobility dimensions of crises

### **Migration Governance: examples of well-developed areas**

Kazakh legislation extends the right to humanitarian assistance and access to emergency services to all immigrants, regardless of their legal status. In times of crisis, Kazakhstan may waive border control procedures for immigration, especially when lives are in danger.

The Committee for Emergency Situations within the Ministry of Interior operates a Centre for Emergency Situations and Disaster Risk Reduction in cooperation with the Ministry of Emergency Situations of the Kyrgyz Republic. One of the Centre's priorities, outlined in its Strategy for 2030, is increasing public awareness of the link between deteriorating environmental conditions, climate change, and migration.

Kazakh citizens living abroad can voluntarily register with the nearest Kazakh consular representation by providing their contact details. In case of crises or natural disasters, Kazakh diplomatic missions are required to assist with the evacuation of their citizens. Consuls must also provide financial assistance and support for Kazakh citizens who find themselves in difficulty abroad and need to contact their families.

### **Areas with potential for further development**

The mobility dimensions of crises are not specifically taken into account on a legislative or operational level in Kazakhstan. There is no specific strategy in place to provide assistance to immigrants in crisis and post-crisis situations. While the Law on Migration recognizes environmental displacement as a phenomenon, Kazakhstan has not adopted any strategies that target climate change-induced migratory flows.

Migration issues are not explicitly addressed in recovery strategies and development planning, except for the question of balanced internal migration and rapid urbanization, a topic which features in the demography section of the Kazakhstan 2050 Strategy. Moreover, there are no provisions in place for handling the return of emigrants who have left the country during crisis.

## **6. Ensures that migration takes place in a safe, orderly and dignified manner**

### **Migration Governance: examples of well-developed areas**

Kazakhstan has a border service under the authority of the Committee of National Security. While the Kazakh Border Service Academy is responsible for training members of the border service, there is also regular training on border management as part of the European Union-funded Border Management Programme in Central Asia, as well as regional training organized by the Organization for Security and Co-operation in Europe (OSCE). The Berkut integrated information system keeps track of border crossings and flags migration violations. Kazakhstan maintains strict border control, with a particular focus on its external borders with the countries of the former Soviet Union. Such controls are mainly directed at containing the rising tide of irregular migration and trafficking in persons, with the overall objective of ensuring national security.

There is an Inter-Agency Committee on Combating Trafficking in Persons, which is operated on a rotational basis by the Kazakh Ministry of Labour and Social Protection and the Ministry of Internal Affairs. The Kazakh General Prosecutor's Office, IOM, OSCE, and a few local non-governmental organizations (NGOs) are also members of the committee. Furthermore, anti-trafficking measures in Kazakhstan were included in the Action Plan of the Government of the Republic of Kazakhstan for 2015–2017 to Prevent and Combat Offences Related to Trafficking in Persons. All responsible government agencies, NGOs, and members of the Interagency Committee on Combating Trafficking in Persons report their activities at Committee meetings.

Kazakhstan runs a government repatriation programme for ethnic Kazakhs living abroad (Oralmans), which includes the provision of free adaptation and integration services such as free accommodation, language lessons, and assistance with employment. These benefits apply only to groups of ethnic Kazakhs who have lived for generations in other countries, not to those who emigrated recently.

## **Areas with potential for further development**

There is a lack of clear and accessible information on the different types of visas and permits available for migrants migrating to Kazakhstan. The Ministry of Foreign Affairs has information on existing visa procedures on its website, but this is only available in Russian. It is not yet possible to apply for visas online; applicants must, consequently, print the application and submit it by post.

With the exception of the government-funded repatriation programme for ethnic Kazakhs living abroad, Kazakhstan does not have a policy incentivizing the return of its citizens living abroad. By the same token, there are no reintegration programmes in place for migrants wishing to return to Kazakhstan.

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