



## Legal Alert

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## Employment and Immigration

### **Regulatory Resolution of the Supreme Court dated 13 December 2013 No. 4 On Judicial Practices for considering Cases to deport Foreign Nationals or Stateless Persons from the Republic of Kazakhstan**

According to the Regulatory Resolution, foreign nationals or stateless persons can be deported from Kazakhstan as a main or additional administrative penalty imposed pursuant to the procedure and on the grounds established by the special part of the Administrative Offences Code.

Applications for deportation may be made if foreign nationals, stateless persons, foreign legal entities and international organisations have:

- 1) perform activities that impede and (or) facilitate the nomination and election of candidates, political parties that have nominated party lists, and that achieve a particular election result
- 2) violated legislation on public associations
- 3) violated legislation on religious activities and religious associations
- 4) provided false information to the state authorities to obtain identification documents, or when applying for a Kazakhstan permanent residence permit, conferring Kazakhstan nationality or restoring Kazakhstan citizenship
- 5) violated legislation on citizenship
- 6) violated checkpoint procedures at the Kazakhstan state border
- 7) violated Kazakhstan state border procedures
- 8) violated Kazakhstan residence rules (foreign nationals or stateless persons only)
- 9) violated employment rules or worked illegally in Kazakhstan (foreign nationals or stateless persons only)

The presence of the guilty party in an administrative case that results in the deportation of a foreign national or stateless person from Kazakhstan is obligatory.

According to article 4 of the Constitution, regulatory resolutions are a part of current law and are binding for all.

**The Regulatory Resolution entered into force on 18 January 2014.**

## Miscellaneous

### **Government Resolution dated 4 December 2013 No. 1309 On the Approval of Regulations for allowing Civil Aviation Organisations of the Republic of Kazakhstan to use the Aviation Standards of International Civil Aviation Organisations**

This Regulations have been developed in accordance with Law No. 339-IV dated 15 July 2010 *On the Use of the Airspace of the Republic of Kazakhstan and Aviation Activity* and regulate the procedure for allowing Kazakhstan civil aviation organisations to use aviation standards of international civil aviation organisations.

The regulations do not apply to state and experimental aircrafts.

The aviation standards of international civil aviation organisations defined by civil aviation authorities apply in Kazakhstan.

An aviation standard of an international civil aviation organisation declared by a civil aviation organisation is treated as a declared aviation standard.

To allow the use of declared aviation standards, the civil aviation organisation sends an application to the competent authority in any form, attaching the documents specified by the Regulations.

The basis for allowing or refusing the use of aviation standards is the decision of the authorised body taken within 30 calendar days. If a decision is positive, the authorised body notifies the civil aviation organisation of the same, with no time restrictions.

**The Resolution entered into force on 5 January 2014.**

### **Order of the Acting Minister for Foreign Affairs No. 08-1-1-1/613 dated 11 December 2013 On Amendments to Order of the Minister for Foreign Affairs of the Republic of Kazakhstan dated 21 November 2000 No. 264 On the Approval of Consular Legalisation Rules**

We remind you that, in accordance with the Rules, consular legalisation ("legalisation") involves verifying that documents comply with applicable legislation of the host country and confirm the authenticity of the official signature and seal on any such documents so that they can be used in another country. Legalisation confirms the authenticity of documents and acts in international communication.

According to the amendments, the following do not need to be legalised:

- 1) identification documents, except birth certificates
- 2) driver's licenses
- 3) military service record cards and enlistment certificates

4) other documents and acts in those cases stipulated by Kazakhstan international treaties and legislative acts

**As at the publication of this Legal Alert, the Order had not yet entered into force.**

**The Order shall enter into force 10 calendar days from its first official publication.**

**Government Resolution No. 1314 dated 4 December 2013  
On Amendments and Additions to Government Resolution  
No. 49 dated 17 January 2003 On the *Approval of Rules for  
the State Registration of Ships and Rights to them***

According to the amendments to the Rules, the Maritime Port Administration is responsible for the state registration of ships and rights to them in the State Register of Marine Vessels (“Marine Vessels Register”), International Register of Kazakhstan Ships of the Republic of Kazakhstan (“International Register of Kazakhstan Ships”), Bareboat Charter Register and Register of Ships under Construction.

The Maritime Port Administration keeps hard- and soft-copy versions of the Marine Vessels Register, International Register of Kazakhstan Ships, Bareboat Charter Register and Register of Ships under Construction. The Kazakhstan Maritime Administration is responsible for the procedure for maintaining the Marine Vessels Register, International Register of Kazakhstan Ships, Bareboat Charter Register and Register of Ships under Construction.

The Rules have also been supplemented by a regulation on the state registration of ships and rights to them in the International Register of Kazakhstan Ships. Ship ownership and other property rights (except for those to a ship under bareboat charter) should be registered in the International Register of Kazakhstan Ships, together with any restrictions (encumbrances), their origin, transfer and termination. Any registration in the International Register of Kazakhstan Ships of a ship on which property rights and other property rights are restricted (encumbered) or the corresponding de-registration should be made in writing with the consent of the beneficiary of the restriction (encumbrance). Ships are not subject to registration in the International Register of Kazakhstan Ships if they are registered in the registers of ships of foreign countries and if they are more than 20 years old at the moment an application for registration in the International Register of Kazakhstan Ships is made.

**The Resolution entered into force on 14 December 2013.**

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