

Information on refugees and stateless persons in the Republic of Kazakhstan

NURLAN KHANZHIGITOV,
BUREAU OF NATIONAL STATISTICS OF THE REPUBLIC OF KAZAKHSTAN

May 6, 2024

Legislative framework

- The Republic of Kazakhstan ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1998.
- On December 4, 2009, the Law of the Republic of Kazakhstan "On Refugees" was adopted.

Main goal: to establish a regulatory framework for issues related to granting refugee status in the territory of the Republic of Kazakhstan.

Statistics

| Asylum-seekers | Refugees |
|----------------|---------------|
| in 2020 – 233 | in 2020 – 445 |
| in 2021 – 319 | in 2021 – 354 |
| in 2022 – 842 | in 2022 – 314 |
| in 2023 – 480 | in 2023 – 273 |



As of March 1, 2024:

Asylum seekers - 426 (including 181 from Afghanistan, 177 from Ukraine, 14 from Russia);

Number of refugees - 322 (including 226 from Afghanistan, 74 from Ukraine, 5 from China, 4 from Syria).

** according to UNHCR data,
as of March 1, 2024 - according to the Ministry of Labor and Social Protection of the Population
of the Republic of Kazakhstan.*

Right to Social Protection

1951 Convention

Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals with respect to social security (Article 24)

Legislation of the Republic of Kazakhstan

Refugees and asylum seekers in Kazakhstan do not have access to the social protection system due to their temporary status:

- Right to pension benefits
- Right to state benefits for families with children
- Right to disability benefits and benefits in case of loss of breadwinner
- Right to state social benefits

Practice in some post-Soviet countries

In the Republic of Armenia, the Republic of Moldova, the Russian Federation, and Ukraine, individuals recognized as refugees have rights to receive allowances, pensions, and other forms of social security available to citizens.

Right to Employment

1951 Convention

Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals with respect to employment (Article 24).

Legislation of the Republic of Kazakhstan

Right to Freedom of Employment
(Article 9, Law of the Republic of Kazakhstan
"On Refugees")

Refugee status - 1 year
Difficulties in employment due to uncertainty
about the extension of their status

Practice in some post-Soviet countries

In the Republic of Armenia, the Republic of Belarus, Georgia, the Republic of Moldova, the Russian Federation, and Ukraine, individuals recognized as refugees have the right to employment on an equal basis with citizens.

Naturalization

1951 Convention

Contracting States shall, as far as possible, facilitate the assimilation and naturalization of refugees. In particular, they shall make every effort to expedite naturalization procedures and to reduce associated fees and costs (Article 34).

Legislation of the Republic of Kazakhstan

Citizenship of the Republic of Kazakhstan

Not permitted (Article 15 of the Law of the Republic of Kazakhstan "On Citizenship")

Only permanent residents foreigners

Practice in some post-Soviet countries

In the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Moldova, the Russian Federation, Georgia, and Ukraine, individuals with refugee status have the right to apply for citizenship

Access to asylum procedures

1951 Convention

Contracting States shall not impose penalties on refugees who, coming directly from a territory where their life or freedom was threatened, enter or are present in their territory without authorization (Article 31(1)).

Legislation of the Republic of Kazakhstan

- Law of the Republic of Kazakhstan "On Refugees":
...a person who has forcibly crossed the State border of the Republic of Kazakhstan must apply to the local executive authority within one day.
- The Criminal Code of the Republic of Kazakhstan does not provide exceptions for asylum seekers.

Practice in some post-Soviet countries

In the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kyrgyz Republic, the Republic of Moldova, the Russian Federation, and Georgia, there is an exemption from criminal liability for foreigners and stateless persons for illegal border crossing in cases of their arrival to seek asylum.

Additional recording in the automated information system

Enhancement of the functionality of the AIS to include statistical information on asylum seekers and refugees:

- Number of applications (individuals and families) under consideration in courts;
- Decisions made in courts (supported, rejected, mediated settlement), returned to local executive authorities (LEAs);
- Number of applications (individuals and families) under consideration in LEAs.

Pledges announced by Kazakhstan during GRF 2023

1. Introduction of a refugee quota for higher education scholarship programme by 2024. Status: fulfilled.
2. Establish border referrals procedures to ensure unhindered access to territory and asylum procedures by 2024
3. To provide foreigners with refugee status in Kazakhstan with equal access to medical care, employment, education, and social assistance on par with citizens and permanently residing foreigners by 2024-2025

Statistics

- **Stateless persons**
 - in 2020 – 7,999
 - in 2021 – 7,831
 - in 2022 – 8,569
 - in 2023 – 7,892

Source: <https://www.unhcr.org/centralasia/wp-content/uploads/sites/75/2024/04/UNHCR-Representation-to-Central-Asia-Population-figures-at-a-glance-2023-External.pdf>

Important Achievements

- Stateless persons are issued a document called "Stateless Person Certificate." They are provided with the opportunity to legally reside in the country and have access to employment, public services, healthcare, higher education.
- In 2019, amendments were made to the Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family." Universal birth registration for children born in medical institutions was ensured.
- From 2020 to 2022, the Ministry of Internal Affairs and UNHCR partners conducted a large-scale campaign on identification and documentation. 8,822 persons with undetermined citizenship were registered.

Pledges announced by Kazakhstan during GRF 2023

1. Establish relevant legislative safeguards to reduce statelessness in Kazakhstan within 2024-2025
2. Reducing the number of stateless persons through naturalization in 2024

THANK YOU!

<https://stat.gov.kz/>