

LAW OF THE REPUBLIC OF KAZAKHSTAN

On identity documents of January 29, 2013 No. 73-V ZRK

(amended as of 25-12-2017)

This Law determines the legal basis of identity documents, establishes requirements to their registration, and also regulates activities for production, issue, replacement, delivery, withdrawal and destruction of identity documents.

Chapter 1. General provisions

Article 1. The basic concepts used in this Law

In this Law the following basic concepts are used:

- 1) the certificate of the stateless person - the identity document of the physical person who does not have the evidence of the belonging to nationality of any state;
- 2) the certificate of the refugee - the identity document and the confirmatory status of the refugee;
- 3) the identity document, - material object of the established sample with the information on personal data of physical person fixed on it allowing to identify the personality and legal status of its owner for the purpose of identification of the personality;
- 4) the identity certificate of the citizen of the Republic of Kazakhstan - the identity document of the citizen and confirming nationality of the Republic of Kazakhstan;
- 5) the passport of the citizen of the Republic of Kazakhstan - the identity document of the citizen and confirming nationality of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan and beyond its limits;
- 6) the diplomatic passport of the Republic of Kazakhstan - the identity document of the citizen of the Republic of Kazakhstan in case of its departure, accommodation outside the Republic of Kazakhstan for execution of the service duties assigned to it and in case of its entry into the Republic of Kazakhstan;
- 7) the service passport of the Republic of Kazakhstan - the identity document of the citizen of the Republic of Kazakhstan and the confirmatory official status of its owner in case of departure and entrance, accommodation outside the Republic of Kazakhstan for execution of the service duties assigned to it;
- 8) the identity certificate of the seaman of the Republic of Kazakhstan - the identity document of the owner working at board of the ocean ship (except for the warship) as a part of its crew, and also the vessel of the swimming mixed (river sea) used for the purposes of merchant shipping, or the student in educational institution directed to vessels for practical training;
- 9) the certificate on return - the identity document and confirming right of its owner to single entry into the Republic of Kazakhstan;
- 10) the certificate of birth - the identity document of physical person testimonial of state registration of the fact of its birth;
- 11) the temporary identity certificate - the document which is issued to citizens of the Republic of Kazakhstan when losing the identity certificate, its invalidity or absence;
- 12) authorized state bodies - the law-enforcement bodies, judicial authorities, body in the field of foreign policy activities, body in the field of transport and communications performing registration, issue, replacement, withdrawal and destruction of identity documents within the competence;

13) the foreign passport - the document recognized by the Republic of Kazakhstan as the identity document of the foreigner or the stateless person and confirming their legal status;

14) the residence permit of the foreigner in the Republic of Kazakhstan - the identity document of the foreigner in the territory of the Republic of Kazakhstan and confirming receipt by it of permission to permanent residence in the Republic of Kazakhstan.

Article 2. Legislation of the Republic of Kazakhstan on identity documents

1. The legislation of the Republic of Kazakhstan on identity documents, is based on [the Constitution](#) of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty ratified by the Republic of Kazakhstan establishes other rules, than those which contain in this Law then are applied rules of the international treaty.

Article 3. Coverage of this Law

Operation of this Law extends to all citizens of the Republic of Kazakhstan irrespective of the place of residence, the foreigners and persons without citizenship who are constantly living or temporarily staying in the Republic of Kazakhstan.

Article 4. The principles of legal regulation in the sphere of identity documents

Requirements to registration, issue, replacement, delivery, withdrawal and destruction of identity documents, are based on the principles:

- 1) legality;
- 2) obligation;
- 3) observance of rights and freedoms of man and citizen;
- 4) equalities of all before the law;
- 5) inadmissibility of discrimination based on origin, social, official and property status, floor, race, nationality, language, the relation to religion, beliefs, the residence or on any other circumstances;
- 6) unities of the rights and obligations of man and citizen;
- 7) availability.

Article 5. Rights and obligations of citizens of the Republic of Kazakhstan, foreigners and stateless persons

1. The citizens of the Republic of Kazakhstan who are constantly living in the Republic of Kazakhstan foreigners and persons without citizenship have the right to the identity documents corresponding to the status.

2. Citizens of the Republic of Kazakhstan irrespective of the place of residence, the foreigners and persons without citizenship who are constantly living or temporarily staying in the Republic of Kazakhstan shall have the identity documents corresponding to the status.

Chapter 2. Legal basis of identity documents

Article 6. Identity documents

1. Identity documents, are:

- 1) passport of the citizen of the Republic of Kazakhstan;
- 2) identity certificate of the citizen of the Republic of Kazakhstan;
- 3) the residence permit of the foreigner in the Republic of Kazakhstan;
- 4) certificate of the stateless person;

- 5) diplomatic passport of the Republic of Kazakhstan;
- 6) service passport of the Republic of Kazakhstan;
- 7) certificate of the refugee;
- 8) identity certificate of the seaman of the Republic of Kazakhstan;
- 9) foreign passport;
- 10) the certificate on return;
- 11) certificate of birth.

In the cases provided [by the Code of penal procedure](#) of the Republic of Kazakhstan, the car driver license, the military ID and the birth record can be acknowledged as identity documents.

2. The identity documents issued by authorized state bodies of the Republic of Kazakhstan are property of the state.

3. Civil transactions are made under the identity documents provided by subitems 1), 2), 3), 4), 9) and 11) of Item 1 of this Article.

Article 7. Requirements to identity documents

1. Identity documents, contain the following data:

- 1) surname, name, middle name (in case of its availability);
- 2) birth date and birth place;
- 3) floor, except for certificates of birth;
- 4) national identity - at the request of the owner in the identity documents specified in [subitems 1\), 2\), 5\) and 6\)](#) of Item 1 of article 6 of this Law;
- 5) nationality, except for certificates of birth;
- 6) photo, except for certificates of birth;
- 7) the name of the body which issued the document;
- 8) date of issue, document number, effective period, except for certificates of birth;
- 9) signature of the owner of documents, except for certificates of birth.

2. The identity documents specified in [subitems 1\), 2\), 3\), 4\), 5\), 6\)](#) and [11\)](#) of Item 1 of article 6 of this Law contain individual identification number.

3. Identity documents, are filled in with authorized state body in Kazakh or at the request of the owner in Russian.

The passport of the citizen of the Republic of Kazakhstan and the certificate of the stateless person are filled in in Kazakh or at the request of the owner in Russian, and also in English.

The diplomatic passport of the Republic of Kazakhstan, the service passport of the Republic of Kazakhstan, the identity certificate of the seaman of the Republic of Kazakhstan are filled in in the Kazakh and English languages.

Article 8. Passport of the citizen of the Republic of Kazakhstan

1. The passport of the citizen of the Republic of Kazakhstan is issued to citizens of the Republic of Kazakhstan at will irrespective of age and proves the identity of the citizen of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan and beyond its limits.

2. In the passport of the citizen of the Republic of Kazakhstan the following records and marks can be made:

- 1) allowing record about trip abroad on permanent residence;

2) record about children aged up to sixteen years in departure cases together with parents abroad with gluing in of their photos;

3) visa of foreign state;

4) mark of boundary check-point about crossing of border.

3. The marks in the passport of the citizen of the Republic of Kazakhstan which are put down by authorized state bodies of the Republic of Kazakhstan are drawn up by stamps which form is established by authorized state bodies and Committee of homeland security of the Republic of Kazakhstan. Putting down and entering into the passport of the citizen of the Republic of Kazakhstan of the records and marks which are not provided by this Law are forbidden.

4. The passport of the citizen of the Republic of Kazakhstan is issued by effective period for ten years.

Article 9. Identity certificate of the citizen of the Republic of Kazakhstan

1. The citizens of the Republic of Kazakhstan who are constantly living in its territory shall have the identity certificate.

2. The identity certificate is issued to citizens of the Republic of Kazakhstan from sixteen-year age.

3. The citizens of the Republic of Kazakhstan who are going abroad on permanent residence hand over identity certificates in law-enforcement bodies.

4. The identity certificate of the citizen of the Republic of Kazakhstan is issued by effective period for ten years.

Article 10. The residence permit of the foreigner in the Republic of Kazakhstan

1. The residence permit of the foreigner in the Republic of Kazakhstan is issued to the foreigners who are constantly living in the territory of the Republic of Kazakhstan from sixteen-year age by effective period for ten years, but not above effective period of the passport of the country of their nationality.

2. In case of trip abroad the identity of the foreigner is proved by the passport of the country of his nationality.

Article 11. Certificate of the stateless person

1. The certificate of the stateless person is issued to the persons without citizenship who are constantly living in the territory of the Republic of Kazakhstan, reached sixteen-year age.

2. The certificate of the stateless person is issued by effective period for five years for confirmation of the identity of the owner in the territory of the Republic of Kazakhstan and beyond its limits.

3. In case of trip abroad without parents, guardians, custodians the certificate of the stateless person is issued to persons up to sixteen years.

Article 12. Diplomatic passport of the Republic of Kazakhstan

1. The diplomatic passport of the Republic of Kazakhstan is issued to officials according to the list approved by the President of the Republic of Kazakhstan.

2. The head of the authorized state body performing foreign policy activities in coordination with the President of the Republic of Kazakhstan has the right to issue the diplomatic passport of the Republic of Kazakhstan to persons which are not specified in the list.

3. Diplomatic passports are also issued to spouses and children up to eighteen years of persons having the diplomatic passport of the Republic of Kazakhstan in case of their joint departure in long foreign business trips.

4. The diplomatic passport of the Republic of Kazakhstan is issued by effective period for five years.

Article 13. Service passport of the Republic of Kazakhstan

1. The service passport of the Republic of Kazakhstan is issued to officials according to the list approved by the President of the Republic of Kazakhstan.

2. Service passports are issued to the spouses and children up to eighteen years following in long foreign business trips together with persons having service passports of the Republic of Kazakhstan also.

3. The service passport of the Republic of Kazakhstan is issued by effective period for five years.

Article 14. Certificate of the refugee

1. The certificate of the refugee is issued to foreigners and stateless persons which are given the status of the refugee according to the procedure, established [by the Law](#) of the Republic of Kazakhstan "About refugees".

2. The certificate of the refugee is issued by effective period for one year, prolonged for each next year by authorized state body till the preserving period in country of source of the refugee of the circumstances forming the provision basis to it the status of the refugee.

Article 15. Identity certificate of the seaman of the Republic of Kazakhstan

1. The identity certificate of the seaman of the Republic of Kazakhstan is issued to the citizens of the Republic of Kazakhstan working at board of the vessel or the student in educational institutions directed to vessels for practical training.

2. The identity certificate of the seaman of the Republic of Kazakhstan is also issued to the foreigners and persons without citizenship who are constantly living in the Republic of Kazakhstan, hired for work on the vessels registered in the Republic of Kazakhstan.

3. The identity certificate of the seaman of the Republic of Kazakhstan is issued by effective period for five years.

Article 16. Foreign passport

1. The foreign passport proves the identity of the foreigner or the stateless person and confirms their legal status.

2. The bases of issue and effective period of the foreign passport are determined by the legislation of foreign state.

Article 17. The certificate on return

1. The certificate on return is granted:

1) to citizens of the Republic of Kazakhstan - in case of loss of the passport of the citizen of the Republic of Kazakhstan, the service or diplomatic passport of the Republic of Kazakhstan or the expiration of their action during their stay outside the Republic of Kazakhstan;

2) to minor citizens of the Republic of Kazakhstan - in case of their birth outside the Republic of Kazakhstan;

3) to the persons without citizenship who are constantly living in the Republic of Kazakhstan - in case of loss of the certificate of the stateless person during their stay outside the Republic of Kazakhstan;

4) to refugees - in case of loss of the travel document during their stay outside the Republic of Kazakhstan;

5) to the citizens of the Republic of Kazakhstan and persons without citizenship who are constantly living in the Republic of Kazakhstan, having invalid documents for entry into the Republic of Kazakhstan - in case of their expulsion to the Republic of Kazakhstan, issue to the Republic of Kazakhstan.

2. The certificate on return is granted for single entry into the Republic of Kazakhstan and cannot be used for departure from the Republic of Kazakhstan.

3. The certificate on return is granted by foreign institutions of the Republic of Kazakhstan.

4. Marks are brought in the certificate on return:

1) about visas - the competent authority of foreign state authorized on issue of visas;

- 2) about crossing of Frontier of the Republic of Kazakhstan and frontiers of other states - the body of the border service, competent authority of foreign state exercising border control;
- 3) about cancellation of earlier brought marks - the body which brought the corresponding mark.

Article 18. Certificate of birth

1. The certificate of birth is granted based on assembly record about state registration of the birth of the child according to the legislation of the Republic of Kazakhstan.
2. The certificate of birth is the identity document of physical person, before receipt of one of the following documents - identity certificates of the citizen of the Republic of Kazakhstan, the passport of the citizen of the Republic of Kazakhstan, the certificate of the stateless person or the foreign passport.

Article 19. Bases of issue of identity documents

Issue of identity documents, is performed based on one of the following documents:

- 1) birth record;
- 2) certificates of birth;
- 3) passports of the citizen of the Republic of Kazakhstan;
- 4) identity certificates of the citizen of the Republic of Kazakhstan;
- 5) temporary identity certificate;
- 6) certificates on return;
- 7) certificates of the stateless person;
- 8) foreign passport;
- 9) certificates of acceptance in nationality of the Republic of Kazakhstan, getting out of nationality of the Republic of Kazakhstan and change of nationality according to the Presidential decree of the Republic of Kazakhstan, and also about change of nationality according to the international treaties ratified by the Republic of Kazakhstan;
- 10) petitions for assignment of the status of the refugee who is positively considered by authorized state body.

Article 20. Issue of identity documents

1. Identity documents, are issued by authorized state bodies to the owner or his legal representative in time no later than thirty calendar days from the date of application for receipt of identity documents (except for the documents processed in foreign institutions of the Republic of Kazakhstan).
2. At the request of physical person according to the procedure, established by the Government of the Republic of Kazakhstan, the identity documents provided in [subitems of 1\)-4\) of Item 1 of article 6](#) of this Law are issued in the accelerated procedure.
3. When filling identity documents, the surname, name, middle name (in case of its availability) and other data register according to the document which formed the basis for their issue, except as specified, provided by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.
4. New the temporary identity certificate by effective period for three months is issued to citizens of the Republic of Kazakhstan when losing the identity certificate, its invalidity or absence before obtaining.
Prolongation of effective period of the temporary identity certificate is not allowed.

Article 21. Recovery of identity documents, in case of their loss

1. The citizens of the Republic of Kazakhstan who are constantly living in the Republic of Kazakhstan foreigners and stateless persons in case of loss of identity documents address to authorized state bodies for receipt of new.

2. When losing the passport of the Republic of Kazakhstan the citizens of the Republic of Kazakhstan who are abroad address to foreign institutions of the Republic of Kazakhstan.

Article 22. Invalidity of identity documents, their replacement and delivery

1. The identity document, is invalid and is subject to delivery and replacement in cases:

1) lack in it of the data specified in [subitems 1\), 2\), 5\), 6\), 7\)](#) and [8\)](#) Item 1 of article 7 of this Law (except for certificates of birth);

2) expirations of its action;

3) impossibility of identification of the data specified in subitems 1), 2), 5), 6), 7) and 8) of Item 1 of article 7 of this Law, or degree of protection of the document;

4) losses of the document from the date of filing of application by the owner in authorized state body;

5) discrepancies to legal status of the owner;

6) sex changes.

2. The found identity documents, are given in law-enforcement bodies. In case of recovery by the owner of the lost identity document, the found document is destroyed according to the procedure, established by the legislation of the Republic of Kazakhstan.

3. Identity documents of the died persons and also announced by court the dead are given in authorized state bodies and are destroyed according to the procedure, established by the legislation of the Republic of Kazakhstan.

Article 23. Withdrawal and use of identity documents

1. In the cases and procedure established by the laws of the Republic of Kazakhstan, identity documents are withdrawn by officials of bodies of pretrial investigation, inquiry, and also officials during administrative production and registration of loss and deprivation of nationality.

Withdrawal of identity documents, other bodies and officials is forbidden.

2. Acceptance as proof of identity documents is forbidden.

3. Are prohibited identification of physical person according to copies of identity documents, and their use, except as specified, stipulated by the legislation the Republic of Kazakhstan is equal.

4. At persons condemned to imprisonment, identity documents are withdrawn and stored in the organizations executing sentences. In case of release from serving sentence identity documents, return to owners.

Chapter 3. Competence of state bodies of the sphere of identity documents

Article 24. Competence of the President of the Republic of Kazakhstan

President of the Republic of Kazakhstan:

1) is approved by procedure for registration, issue, replacement, delivery, withdrawal and destruction of diplomatic and service passports of the Republic of Kazakhstan;

2) is approved by the list of officials of the Republic of Kazakhstan to which diplomatic and service passports of the Republic of Kazakhstan are issued;

3) performs other powers according to [the Constitution](#) and the laws of the Republic of Kazakhstan.

Article 25. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan:

- 1) is approved by procedure for registration, issue, replacement, delivery, withdrawal and destruction of identity documents, except for diplomatic and office passports of the Republic of Kazakhstan;
- 2) approves samples of identity documents, and requirements to their protection;
- 3) performs other powers provided [by the Constitution](#), the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 26. Competence of law-enforcement bodies

Law-enforcement bodies:

- 1) is developed by samples, procedure for registration, issue, replacement, delivery, withdrawal and destruction of identity documents:
 - passports of the citizen of the Republic of Kazakhstan;
 - identity certificates of the citizen of the Republic of Kazakhstan;
 - the residence permit of the foreigner in the Republic of Kazakhstan;
 - certificates of the stateless person;
 - certificates of the refugee;
- 2) perform registration, issue, replacement, withdrawal and destruction of the identity documents specified in the subitem 1) of this Article;
- 3) is performed by other powers provided by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 27. Competence of authorized state body in foreign policy activities

Authorized state body in the field of foreign policy activities:

- 1) develops samples, procedure for registration, issue, replacement, delivery, withdrawal and destruction of the diplomatic passport of the Republic of Kazakhstan and the service passport of the Republic of Kazakhstan;
- 2) is developed by sample, procedure for registration, issue and replacement of the certificate by return;
- 3) performs registration, issue, replacement, withdrawal and destruction of the identity documents specified in the subitem 1) of this Article;
- 4) in the procedure established by the legislation of the Republic of Kazakhstan withdraws identity certificates from the citizens of the Republic of Kazakhstan who received documents on the right of permanent residence abroad and passports - in case of acquisition of nationality of other state;
- 5) performs other powers provided by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 28. Competence of other authorized state bodies

Other authorized state bodies:

- 1) is developed by samples, procedure for registration, issue, replacement, delivery, withdrawal and destruction of identity documents:
 - judicial authorities - certificates of birth;
 - authorized state body in the field of transport and communications - the identity certificate of the seaman of the Republic of Kazakhstan;
- 2) within competence perform registration, issue, replacement, withdrawal and destruction of identity documents;

3) is performed by other powers provided by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Chapter 4. Final provisions

Article 29. The state monopoly in the field of production of identity documents

Activities for production of the identity documents specified in [subitems 1\), 2\), 3\)](#) and [4\)](#) of Item 1 of article 6 of this Law, to accumulating and maintaining the integrated databank of system of production of documents, automation of work on accounting of migratory processes, development to implementation and maintenance of program and technical products for law-enforcement bodies belong to the state monopoly and are performed by the republican state company on the right of economic maintaining created according to the decision of the Government of the Republic of Kazakhstan.

The price list of the prices of the service in issue in the accelerated procedure for identity documents rendered by the republican state company on the right of economic maintaining affirms law-enforcement bodies in coordination with antimonopoly authority.

Article 30. Responsibility for violation of the legislation of the Republic of Kazakhstan on identity documents

Violation of the law of the Republic of Kazakhstan about identity documents, attracts responsibility according to the laws of the Republic of Kazakhstan.

Article 31. Procedure for enforcement of this Law

This Law becomes effective after ten calendar days after its first official publication.

President of the Republic of Kazakhstan

N. Nazarbayev