

LAW OF THE REPUBLIC OF KYRGYZISTAN ON EXTERNAL MIGRATION

Adopted by the Jogorky Kenesh

Legislative Assembly

of the Kyrgyz Republic

on June 23 of 2000

Present law shall regulate external migration legal relations and determine legislative basis for external migration in the Kyrgyz Republic.

SECTION 1. General Provisions

Article 1. Main definitions used in the present Law

Administrative removal – forcible and controlled removal of foreign citizens and stateless persons from the territory of KR on the grounds determined by the Kyrgyz legislation

Residence permit is a document granting foreign citizens or stateless persons with the right for permanent or temporary residence in the Kyrgyz Republic.

Visa is a stamp in the passport or another travel document of a foreign citizen or a stateless person, recognized by the Kyrgyz Republic, permitting entry, stay and exit the Kyrgyz Republic territory.

External migration is a movement of individuals to and from the Kyrgyz Republic.

Legal representatives – parents, adoptive fathers, tutors, guardians as well as representatives of organizations and persons taking care of a person who participates in the case.

Immigrant is a foreign citizen or a stateless person legally entering the Kyrgyz Republic for the purpose of permanent residence

Immigration – entry of foreign citizens or stateless persons into the Kyrgyz Republic for the purpose of permanent residence

Foreign citizen is a person with a proof of his citizenship of another foreign country other than the Kyrgyz Republic.

Stateless person is a person with no citizenship of the Kyrgyz Republic and without any proofs of his citizenship of another foreign country.

Transit migration is a movement of foreign citizens or stateless persons to the territory of another state through the territory of the Kyrgyz Republic

Labor migration is a voluntary and legal movement of individuals, permanently residing on the territory of the Kyrgyz Republic from the Kyrgyz Republic as well as foreign citizens or stateless persons, permanently residing outside the Kyrgyz Republic to its territory for the purpose of temporary or permanent paid employment.

Emigration is a movement of Kyrgyz citizens from the Kyrgyz Republic for permanent residence on the territory of another state

Emigrant is a Kyrgyz citizen moving from the Kyrgyz Republic to the territory of another state for permanent residence

Article 2. Primary objectives of the present Law

The primary objectives of this Law shall be as follows:

- managing external migration in the Kyrgyz Republic;
- ensuring protection of rights and legal interests of migrants;
- preventing irregular migration;
- stabilizing migration situation in the Kyrgyz Republic.

Article 3. Legislative acts regulating external migration

In the Kyrgyz Republic the external migration shall be regulated by the Constitution of the Kyrgyz Republic, present Law and other Kyrgyz normative and legal acts as well as international treaties of the Kyrgyz Republic.

This Law shall not be applicable to the persons with refugee status and asylum-seekers.

Article 4. Primary principles for regulating external migration in the Kyrgyz Republic

The external migration management shall be based on principles as follows:

- ensuring the human rights, provided by the Constitution of the Kyrgyz Republic, to have a freedom in choosing residency, freedom of labor, freedom in choosing profession, and freedom of movement;
- inadmissibility of any discrimination, infringement of rights and freedoms with regard to ethnic origin, sex, race, nationality, language, religion, political or religious beliefs or any other reasons;
- bringing into line the legislation of the Kyrgyz Republic with the international standards of law and international treaties of the Kyrgyz Republic in the migration field;
- prevention spontaneous and irregular migration through programs on forecast of potential migration and direction of migratory flows due to changes in socio-economic and socio-political situations;
- involvement of relevant state agencies in migration management;
- respect and observance of the Kyrgyz legislation by migrants.

Article 5. Authorized state agencies.

In the Kyrgyz Republic the following shall be the authorized state agencies: State Agency for Migration and Demography under the Kyrgyz Government (hereinafter referred to as the State Agency), the Ministry of Interior of the Kyrgyz Republic, Ministry of Foreign Affairs of the Kyrgyz Republic, Ministry of National Security of the Kyrgyz Republic, and Ministry of Defense of the Kyrgyz Republic.

Observance of the requirements of the present Law shall be controlled by the above-mentioned state agencies within their authority, determined by the legislation of the Kyrgyz Republic.

SECTION II. Entry and Sojourn of Foreign Nationals and Stateless Persons in the Kyrgyz Republic

Chapter 1. Main requirements to the entry and sojourn of foreign nationals and stateless persons in the Kyrgyz Republic

Article 6. Permission issued to foreign nationals and stateless persons for entering, sojourning and exiting the Kyrgyz Republic

A foreign national or a stateless person with a legitimate entry visa may enter the Kyrgyz Republic, except for the cases envisaged in the second section, article 7 of the present Law unless otherwise provided by the international treaties of the Kyrgyz Republic.

Foreign nationals or stateless persons arriving in the KR for permanent or temporary residence shall be allowed to enter and stay in the Kyrgyz Republic on the basis of visa and temporary and permanent residence permits issued in accordance with the procedures of the Kyrgyz Republic.

Upon the arrival to the final destination in the Kyrgyz Republic foreign nationals or stateless persons shall register their arrival within five days according to the procedure established by the present Law, unless otherwise provided by the International treaties of the Kyrgyz Republic.

To work in the Kyrgyz Republic, foreign nationals or stateless persons shall have an authorization for employment.

A foreign national or a stateless person, visiting the Kyrgyz Republic, may apply for visa extension, residence permit, and employment authorization.

Foreign nationals or stateless persons shall depart from the Kyrgyz Republic upon the expiry or revocation of visa or residence permit.

Article 7. Entry of foreign nationals and stateless persons into the Kyrgyz Republic

Foreign nationals or stateless persons with the valid visas and passports or other travel documents shall enter the Kyrgyz Republic at the checkpoints of the state border, opened for the transnational communication, unless otherwise provided by the present Law.

The entry of foreign nationals or stateless person into the Kyrgyz shall be denied on the following grounds:

- 1) absence of valid visa, passport or other travel documents;
- 2) ensuring state security or protecting public order;
- 3) in the event of threat to the health, rights protection and legal interests of the Kyrgyz nationals and other people, residing in the Kyrgyz Republic when it is necessary;
- 4) in the event of violation of the Kyrgyz legislation during their last visit;
- 5) in case when applying for entry into the Kyrgyz Republic they imparted a false information or presented counterfeited documents;
- 6) on other grounds established by the legislation of the Kyrgyz Republic

If applicant with a valid visa is denied to enter, he shall be notified about denial by the authorized state agency that took a denial decision, in a written form. Applicant shall have a right to appeal against this decision in accordance with the Kyrgyz legislation.

Upon entry to the Kyrgyz Republic a foreign national or a stateless person shall be subject to the immigration control. The Government of the Kyrgyz Republic shall approve the statute on immigration control.

The procedural requirements for crossing the state border of the Kyrgyz Republic shall be regulated by the Law of the Kyrgyz Republic

"On the state border", as well as international agreements signed by the Kyrgyz Republic.

Article 8. Registration of foreign nationals and stateless persons.

Foreign nationals and stateless persons, arriving to the Kyrgyz Republic for a period exceeding five working days shall register his arrival with the Ministry of Foreign Affairs and its territorial agencies, Ministry of Interior and its territorial agencies, and hotels in accordance with the present Law, except for the cases envisaged by this article.

The following holders of foreign passports shall be exempted from the registration:

- 1) Heads of State, governments of foreign countries, members of the state, parliamentary and governmental delegations that arrived to the Kyrgyz Republic at the invitation of the President, Jogorku Kenesh (Kyrgyz Parliament) and Government of the Kyrgyz Republic, admin and support staff of these delegations, members of families of enumerated persons;
- 2) Crew members of foreign military aircrafts that arrived in the established order.
Crewmembers of military aircraft shall move on the territory of the Kyrgyz Republic according to the plan for admission of military aircrafts.
- 3) Crewmembers of civil aircraft of international airlines during the presence in airports, that are in the air traffic schedule.

Article 9. Registration with the Ministry of Foreign Affairs

The following foreign citizens enjoying the special international immunity, which is recognized by the Kyrgyz Republic, shall register themselves with the Ministry of Foreign Affairs of the Kyrgyz Republic:

- 1) heads of foreign diplomatic missions and consulates, accredited in the Kyrgyz Republic, members of diplomatic corps, consular officials, admin and support staff of the diplomatic and consular missions, staff of the military attaché's offices and trade missions, as well as members of their families and guests of diplomatic and consular missions, if they reside on the territory of enumerated missions and offices;
- 2) staff of agencies of foreign states and members of their families, arriving to the Kyrgyz Republic on official travel and holding diplomatic or official passports;
- 3) officials of the international organizations arrived to the Kyrgyz Republic for the official purposes, employees of the missions of mentioned organizations in the Kyrgyz Republic, as well as officials of the representatives of the countries under the international organizations with headquarters in the Kyrgyz Republic and member of their families, who in conformity with the Statutes of these organizations or relevant international treaties enjoy diplomatic privileges and immunities.

The Ministry of Foreign Affairs of the Kyrgyz Republic and its agencies shall issue accreditation cards or register passports, by putting a special note in them, of the above mentioned persons.

If necessary, the Ministry of Foreign Affairs of the Kyrgyz Republic shall register the passports of state and public figures of foreign countries and members of their families, who arrived to the Kyrgyz Republic, at the request of the diplomatic or consular missions as well as international organizations or other host organization.

Article 10. Registration with the bodies of interior.

Bodies of interior shall register foreign passports of foreign nationals and stateless persons with a valid visa, who are not mentioned in the articles 8, 9 of this Law. Registration shall be performed on the basis of written letters from host organization and foreign missions in the Kyrgyz Republic. Letters shall be submitted to the bodies of interior not later than five days after submission of foreign passports by foreign nationals or stateless persons to a host organization or diplomatic mission for the registration.

Article 11. Registration in the hotels

Foreign passports of all foreign nationals or stateless persons accommodated in the hotels shall be subject to registration irrespective of the purpose of the visit and period of stay in the Kyrgyz Republic. Registration shall be performed at the personal requests of these nationals or written letters from host organizations, foreign missions in the Kyrgyz Republic. Registration of foreign passports shall be valid for a period, indicated in the requests, tours, and letters. As to the registration of people who arrived in Kyrgyz Republic on the basis of visa, it shall be valid for a period of visa validity.

Article 12. Extension of registration effect

Effect of registration of foreign nationals shall be extended after extension of validity period of visa or residence permit for the Kyrgyz Republic.

Article 13. Visa issuance

For foreign nationals and stateless persons coming from outside Kyrgyzstan entry visas for the Kyrgyz Republic shall be issued by diplomatic or consular missions of the Kyrgyz Republic. In case of the absence of those missions entry visas should be issued by specially authorized missions of other countries in accordance with the article 14 of the present Law.

On the territory of the Kyrgyz Republic visas shall be issued by the Ministry of Foreign Affairs as well as the Ministry of Interiors.

Categories and types of visas as well as the order of their registration shall be determined by the Kyrgyz Government.

Article 14. Grounds for visa issuance and extension

Grounds for issuing entry visas and their extension shall be as follows:

- for foreign national and stateless persons entering the Kyrgyz Republic with official and business purposes – written application of the host organization with all necessary documents confirming official or business nature of a trip;
- for foreign national and stateless persons entering the Kyrgyz Republic with the purpose of employment – permission of the State Migration Agency under the Kyrgyz Government to work on the territory of the Kyrgyz Republic;
- for foreign national and stateless persons entering the Kyrgyz Republic for the private purposes - authorization of the bodies of Interior issued on the basis of application of private persons;
- for foreign national and stateless persons entering the Kyrgyz Republic for the purpose of permanent residency – decision of the State Migration Agency under the government of the Kyrgyz Republic to grant immigrant status;
- for foreign national and stateless persons transiting through the Kyrgyz Republic territory – individual application with the travel document and visa of the country destination attached;
- for foreign national and stateless persons entering the Kyrgyz Republic for the tourism purpose - individual application or written letter from the host travelling companies.

Article 15. Residence permit

Foreign nationals or stateless persons, who arrived to the Kyrgyz Republic, may apply for the residence permit. Residence permits shall be temporary and permanent.

Foreign nationals or stateless persons, who arrived to the Kyrgyz Republic for a period exceeding six months, should be issued a temporary residence permit.

Foreign nationals or stateless persons, who were issued the status of an immigrant in conformity with this Law, shall be issued a permanent residence permit.

The Government of the Kyrgyz Republic shall establish the procedural requirements for residence permit issuance.

In the Kyrgyz Republic the Ministry of Interior shall issue residence permits.

Temporary or permanent residence permits shall be the identification documents of a foreign national or a stateless person during his stay on the territory of the Kyrgyz Republic.

Temporary or permanent residence permit along with the passport should give the right for multiple crossing of the state border without a visa.

Article 16. Grounds for denying visa and residence permit.

Residence permit shall be denied to a foreign national or a stateless person when applicant:

- 1) represents a danger to the health, safety, protection of the rights and legal interests of Kyrgyz citizens and other persons, residing in the Kyrgyz Republic;
- 2) presents false information in application for visa, residence permit or employment authorization;
- 3) does not observe the Constitution and laws of the Kyrgyz Republic;
- 4) is involved in activities dangerous to the Kyrgyz Republic security;
- 5) is under court investigation in the Kyrgyz Republic – till the end of proceedings;
- 6) convicted for committing a crime in the Kyrgyz Republic – before serving the sentence or till discharge
- 7) suffers from a disease, the nature, seriousness and possible duration of which may present a threat to health of others or may require a special care of the medical institutions, and which is included in the list of diseases approved by the Ministry of Health of the Kyrgyz Republic;
- 8) is not able to support himself or his dependants, except for the cases when a Kyrgyz citizen takes a responsibility for financial support;
- 9) applies for the second time for a visa or residency permit before expiration of one year from the moment of denial of entry visa or residence permit in the Kyrgyz Republic;
- 10) was a subject to administrative removal from the Kyrgyz Republic – before five years expire from the moment of the decision on removal have been taken;
- 11) stays illegally in the Kyrgyz Republic or have assisted another foreign national or stateless person to enter illegally the territory of the Kyrgyz Republic.
- 12) is a member of terrorist organizations.

Article 17. Revocation of visa or residence permit

Residence permit shall be revoked if a foreign national or a stateless person:

- 1) presented false information when applying for visa, residence permit or employment authorization;
- 2) represents a danger to the Kyrgyz Republic security;
- 3) married of convenience a citizen of the Kyrgyz Republic or a foreign national or a stateless person with a permanent residence permit to receive permanent residence permit;
- 4) suspended a study in the Kyrgyz Republic, which was a ground for the residence permit issuance;
- 5) suspended employment, which was a ground for the residence permit issuance;
- 6) divorce a Kyrgyz citizen or other person with a permanent residence permit for five years and in case there are no children or the court made a decision to give a custody to a parent, who is a citizen or permanent resident of the Kyrgyz Republic;

Article 18. Reduction of the period of stay of foreign nationals and stateless persons in the Kyrgyz Republic

The time frame prescribed for the stay of a foreign national or a stateless person in the Kyrgyz Republic shall be reduced if a foreign national or a stateless person violated the legislation of the Kyrgyz Republic.

Decision on reducing the period of stay shall be rendered by a body that issued visa or residency permit.

Article 19. Order to depart from the Kyrgyz Republic and administrative removal from the Kyrgyz Republic

The bodies of interior and national security shall order to a foreign national or a stateless person, whose visa or residence permit had been expired or revoked to depart from the Kyrgyz Republic. Foreign national shall be obliged to leave the territory of the Kyrgyz Republic within the time indicated in the order.

In the event of non-compliance with the order a foreign national or a stateless person shall be subject to removal from the Kyrgyz Republic.

A foreign national or a stateless person shall be removed from the Kyrgyz Republic when:

- 1) his actions represent a threat to state security or protection of public order;
- 2) it is necessary for protecting health, rights and legal interests of Kyrgyz citizens;
- 3) he had rudely violated the Kyrgyz legislation and there are no grounds for bringing an action against him.

Documents on removal shall be prepared by the bodies of interior and national security.

Decision on removal of foreign citizens and stateless persons from the Kyrgyz Republic as a measure of administrative penalty shall be taken by court (judge).

Along with the order to leave the country Ministry of Foreign Affairs or Ministry of National Security of the Kyrgyz Republic after informing Ministry of Foreign Affairs may impose temporary or permanent prohibition to enter the Kyrgyz Republic.

Removal of foreign citizens and stateless persons shall be performed by the bodies of interior or national security according to the court decision.

Administrative removal shall be carried out at the expense of:

- a) foreign citizens and stateless persons who are subject to removal:
- b) host organizations or individuals;
- c) budget funds - in exclusive cases.

Article 20. Travel in the Kyrgyz Republic.

Foreign citizens shall have a freedom of movement on the territory of the Kyrgyz Republic opened for visit of foreign citizens.

In the areas, closed for visit of foreign nationals, entry and travel shall be authorized by the bodies of interior.

Article 21. Procedural requirements for movement of foreign citizens

Ministry of Foreign Affairs shall determine the requirements for movement of foreign citizens or stateless persons whose documents were registered in Ministry of Foreign Affairs of the Kyrgyz Republic and its representatives.

These requirements shall apply to the employees of airlines, banks, trade companies, and other foreign representatives permanently accredited in the Kyrgyz Republic.

Article 22. Travel documents.

Foreigners or stateless persons visiting the Kyrgyz Republic shall have valid passports or other identification documents.

In the event of loss of passport or another travel document, a foreign citizen shall immediately notice the nearest office of interior or diplomatic or consular agency of a state, issued travel document, and receive a written confirmation of the fact of loss.

Article 23. Transit travel

Foreign nationals and stateless persons shall transit through the territory of the Kyrgyz Republic in accordance with the Rules on Transit Through the Territory of the Kyrgyz Republic approved by the Kyrgyz Government and international treaties, to which Kyrgyzstan is signatory.

Transit foreign nationals heading for the checkpoint by the shortest road with all transit rules observed, may stay on the territory of the Kyrgyz Republic more than it was determined in the transit visa only if they have a permission of authorized bodies, unless otherwise provided by the international treaties of the Kyrgyz Republic.

Article 24. Procedural requirements for foreign citizens and stateless persons to enter, move, and exit on private and official vehicles

Government of the Kyrgyz Republic shall determine requirements for foreign citizens and stateless persons entering, moving and exiting Kyrgyzstan on their private and official vehicles.

Transport vehicles, brought in by foreign nationals and stateless persons with the obligation to bring them back, shall be removed abroad upon the expiry of the determined period and shall not be alienated to other people on the territory of the Kyrgyz Republic.

In the event of violation of the second paragraph of this article, transport vehicles shall be withdrawn for benefit of the state according to the court decision.

Article 25. Obligations of individuals and legal entities inviting foreign nationals and stateless persons

Individuals and legal entities, who invited foreign nationals and stateless persons to the Kyrgyz Republic, and host organizations shall opportunely explain their rights and obligations, envisaged by the Kyrgyz legislation, and also take opportune measures for the registration and issuance of the documents for the right to stay, travel, and exit from the Kyrgyz Republic upon the expiry of visit period

Financial support and medical care shall be provided by the host organizations unless there are other written arrangements of the parties.

Chapter II. Entry of foreign nationals or stateless persons into the Kyrgyz Republic for temporary residence

Article 26. Temporary residence permit

Temporary residence permit shall be issued to a foreign national or a stateless person, who arrived to the Kyrgyz Republic for a period more than six months and who have a legal means of subsistence in the Kyrgyz Republic:

- 1) to work according to employment contract and authorization;
- 2) to study in an educational institution on the basis of its application;
- 3) to invest in the Kyrgyz Republic;

Temporary residence permit may be issued to a foreign national a stateless person:

- 1) for one year period with a subsequent annual extension for the period of five years;
- 2) for a period determined by labor contract or envisaged for other activities, including schedule for training or cooperation in the field of science.

Temporary residence permit may as well be issued to members of families of persons listed above.

Article 27. Procedural requirements for employment of foreign citizens and stateless persons

The procedural requirements for employment of foreign nationals or stateless persons in the Kyrgyz Republic shall be determined by the Government of the Kyrgyz Republic.

Recruitment of foreign labor in the Kyrgyz Republic shall be carried out on the ground of authorizations issued by the State Agency on Migration and Demography under the Kyrgyz Government in accordance with the legislation of the Kyrgyz Republic.

In labor migration management it shall be priority to protect domestic labor market.

Article 28. Quota for labor migration.

Quota for labor migration shall determine limited number of foreign citizens and stateless persons arriving to the Kyrgyz Republic for the employment purpose. Quota for labor migration shall be determined annually four months before the beginning of the year by the Kyrgyz Government and shall be approved by the Legislative Assembly of the Kyrgyz Jogorku Kenesh.

Labor migration quota for legal entities and individuals having the goal to invite labor migrants to the Kyrgyz Republic shall be determined by the State Agency for Migration and Demography under the Government of the Kyrgyz Republic according to the annual labor migration quota.

Article 29. Conditions of stay of foreign nationals and stateless persons arrived to the Kyrgyz Republic for labor migration reasons

Foreigners and stateless persons, who arrived to the Kyrgyz Republic as labor migrants with no purpose of changing citizenship, shall have a permanent residence outside the Kyrgyz Republic.

Foreigners and stateless persons, who entered the Kyrgyz Republic and started working without employment authorization issued by a relevant body, unless otherwise provided by inter-state agreements, shall be subject to the administrative removal in conformity with

the legislation of the Kyrgyz Republic.

Chapter III. Immigration

Article 30. Immigration quota

With the purpose of state regulation of immigration in the Kyrgyz Republic an annual immigration quota shall be determined for establishing maximum number for immigration.

4 months before the beginning of each calendar year the immigration quota shall be determined by the Government of the Kyrgyz Republic and approved by the Jogorku Kenesh (Parliament) of the Kyrgyz Republic.

Article 31. Granting status of immigrant

Foreign nationals and stateless persons, who temporarily resides in the Kyrgyz Republic and wishes to receive an immigrant status in the Kyrgyz Republic, shall apply to the Ministry of Interior of the Kyrgyz Republic and its territorial agencies.

Foreign nationals or stateless persons, residing outside the Kyrgyz Republic and wishing to arrive to the Kyrgyz Republic for permanent residence, shall apply for an immigrant status to the diplomatic mission or consular agency of the Kyrgyz Republic abroad personally or through an authorized representative. Ministry of Foreign Affairs shall submit this application to the Ministry of Interior for consideration and then to the State Agency on Migration and Demography under the Kyrgyz Government for the further consideration.

Any capable person, came of age (18 years), shall have a right to apply for immigration to the Kyrgyz Republic.

The State Migration Agency under the Kyrgyz Government shall consider the applications for granting the immigrant status and make final decisions in conformity with immigration quota as established by the Government of the Kyrgyz Republic.

Period for consideration of the application for immigration shall not exceed one year.

Decisions on granting immigration status of the State Migration Agency under the Kyrgyz Government shall be appealed in the court.

To receive an immigrant status, foreign citizens or stateless persons should have a stable income, enabling them to support themselves (and members of their families). Money equivalent of their daily needs shall be determined by the Government of the Kyrgyz Republic.

In the event of a lack of sufficient financial resources, there should be a guarantee of his and his family members' employment or financial support of the applicant and his family members not less than the established in the Kyrgyz Republic living wage.

Article 32. Procedures of applying for immigration

The following documents, certified by a notary, shall be attached to the application for immigration:

- copy of passport or another identification document;
- copy of a birth certificate or another substituting document;
- note on the number of family members, copy of marriage certificate;
- note on the stable legal income, ensuring a minimum living standard for him and his family members;
- information on medical examination.

In addition to above listed documents, following documents shall be attached to the application:

- for the individuals, mentioned in the paragraph 1, part 2, article 32 of this Law: a document, certifying the nationality of one of the parents;
- for the individuals, mentioned in the paragraphs 2, 3, part 2 article 32 of this Law: a letter of invitation from a relative, who is a citizen of the Kyrgyz Republic, and a document certifying kindred ties;
- for the individuals, mentioned in paragraphs 3, part 2, article 32 of this Law: if they accompany the applicant – the application of the latter on granting the immigrant status, and if they move to the immigrant for residence – the invitation of the latter;
- for the individuals, mentioned in paragraphs 4 and 5, part 2, article 32 of this Law: documents certifying fact on guardianship;
- for individuals, mentioned in paragraph 6, part 2, article 32 of this Law: documents, certifying specialization (profession).

In the event when parents-immigrants move with their minors aged 14-18 a written agreement of minors shall be required.

When only one parent, accompanied by minors under 18 years, moves to the Kyrgyz Republic, he/she shall present an application of another spouse that he/she agrees with the fact of the children living with a parent-immigrant. Application shall be certified by a notary. In case there is no such agreement the parent-immigrant shall present court decision on giving the custody of children to this parent.

If necessary, the Ministry of Interior and the State Migration Agency under the Kyrgyz Government shall have the right to demand additional documents from the applicant.

Article 33. Individuals enjoying preferential rights for immigrant status

Below are foreign citizens and stateless persons with the preferential rights for receiving immigrant status:

- 1) Kyrgyz people by origin, that is, citizens or stateless persons of another state one of the parents of whom is Kyrgyz;

- 2) Parents of Kyrgyz citizen, his wife, children under 18 or disabled adults;
- 3) Parents of spouse-immigrant, his children under 18 or disabled adults;
- 4) Persons under guardianship of the Kyrgyz citizen;
- 5) Persons who are guardians to the Kyrgyz citizen;
- 6) Well-known scientists, cultural workers, and other persons with intention and opportunities to contribute significantly to social, economic, and cultural development of the Kyrgyz Republic as well as highly qualified specialists needed for the Kyrgyz economy;

Article 34. Grounds for denying immigrant status

Foreign citizens and stateless persons shall be not granted immigrant visa in case when applicant:

- 1) represent a danger to the health, protection of rights and legal interests of the Kyrgyz Republic citizens and other persons residing in the Kyrgyz Republic;
- 2) submitted false information in application for visa, residence permit or employment authorization;
- 3) does not observe procedural requirements for receiving visa and residence permit established by the Kyrgyz legislation;
- 4) is involved in activities dangerous to the Kyrgyz Republic security;
- 5) is under court investigation in the Kyrgyz Republic – till the end of proceedings;
- 6) convicted for committing a crime in the Kyrgyz Republic – before serving the sentence or till discharge
- 7) suffers from a disease, the nature, seriousness and possible duration of which may present a threat to health of others or may require a special care of the medical institutions, and which is included in the list of diseases approved by the Ministry of Health of the Kyrgyz Republic;
- 8) is not able to support himself or his dependants, except for the cases when a Kyrgyz citizen takes a responsibility for financial support;
- 9) applies for the second time for a visa or residency permit before expiration of one year from the moment of denial of entry visa or residence permit in the Kyrgyz Republic;
- 10) was a subject to removal from the Kyrgyz Republic within last five years;
- 11) stays illegally in the Kyrgyz Republic or have assisted another foreign national or stateless person to enter illegally the territory of the Kyrgyz Republic.

Applicant shall be informed about denial of granting him immigrant status within three days from the moment of decision approval. This decision shall be handed to an applicant in a written form upon his request.

Article 35. Permanent residence permit

Permanent residence permit shall be issued by the Ministry of Interior and its territorial agencies to a foreign citizen or a stateless person, granted immigrant status in accordance of the present Law.

Article 36. Rights and obligations of immigrants

Rights and obligations of the immigrants shall be envisaged by the Law of the Kyrgyz Republic "On Legal Status of Foreign Citizens in the Kyrgyz Republic", and other Kyrgyz normative and legal acts as well as international treaties signed by the Kyrgyz Republic.

Article 37. Renewed application for immigration

A foreign national or a stateless person, whose application for immigration to the Kyrgyz Republic was denied, shall have the right to renew the application for immigration.

A renewed application for immigration shall be accepted one year after making previous decision.

Article 38. The State Immigration Fund.

For the purpose to support immigrants Immigration fund shall be established under the State Agency on Migration and Demography of the Kyrgyz Republic. The fund shall be established on the basis of:

- 1) funds of the cultural centers, voluntary contributions of enterprises, organizations and unions of entrepreneurs, donation, including contribution of foreign and domestic organizations and individuals;
- 2) living quarters, provided by the state in a centralized order through the local governments, as well as purchased by local governments from people, moving from the Kyrgyz Republic, on a contract basis;
- 3) goods and funds, provided by the states, citizens of which are immigrating to the Kyrgyz Republic.

The procedural requirements for establishing and using the Immigration Fund shall be determined in accordance with the Kyrgyz legislation.

SECTION III. Exit and entry of the Kyrgyz citizen into the Kyrgyz Republic

Chapter 1. Main requirements to the Kyrgyz citizens exiting and entering the Kyrgyz Republic.

Article 39. Procedures for exiting from the Kyrgyz Republic

Each citizen of the Kyrgyz Republic shall have the right for exit from the Kyrgyz Republic and entry into the Kyrgyz Republic. The national of the Kyrgyz Republic shall not be deprived of the right to exit from the Kyrgyz Republic. Temporary restrictions shall be imposed on exit from the Kyrgyz Republic in conformity with the article 45 of the present Law.

Citizen of the Kyrgyz Republic shall not be deprived of the right to enter the Kyrgyz Republic.

Foreign citizens or stateless persons shall exit from the Kyrgyz Republic at the ports of exit of the state border opened for transnational communication in possession of valid passports and visas, unless otherwise provided by the legislative acts or international treaties of the Kyrgyz Republic.

Article 40. Exit of minors

Citizens of the Kyrgyz Republic under 18 may exit from the Kyrgyz Republic under the application of legal representatives, certified by the notaries. In the event of absence of agreement of legal representatives exit of minors shall be authorized by the court decision.

Exit of minors aged 14-18 years to foreign countries for permanent residence shall be allowed only on the ground of their written consent, certified by notaries.

Article 41. Exit of disabled persons from the Kyrgyz Republic

The exit of the Kyrgyz nationals, recognized as disabled by court decision, from the Kyrgyz Republic shall be allowed on the basis of an application of their legal representatives, certified by notaries, or court decision.

Article 42. Documents granting the right to the Kyrgyz national to exit from the Kyrgyz Republic and enter the Kyrgyz Republic.

Documents, granting the right for exit from the Kyrgyz Republic and entry to the Kyrgyz Republic and identifying documents of the Kyrgyz nationals during their stay outside the Kyrgyz Republic shall be as follows:

- 1) Passport of the Kyrgyz Republic;
- 2) Diplomatic passport;
- 3) Official passport;
- 4) Document for return.

The Statute on the enlisted documents shall be approved by the Government of the Kyrgyz Republic.

When all procedural requirements are met, these documents shall be the property of the Kyrgyz Republic and shall be valid for travel to all countries of the world.

In the event of loss of the documents, enlisted in part 1 of this article, the document, granting the right to enter the Kyrgyz Republic, shall be identification document for return to the Kyrgyz Republic, issued by diplomatic or consular missions of the Kyrgyz Republic abroad. The statute on the document for return shall be approved by the Government of the Kyrgyz Republic.

In circumstances, envisaged by the international agreements of the Kyrgyz Republic, other documents could be used for exit to foreign countries than those, enlisted in part one of this article.

Article 43. The procedure of issuing travel documents to Kyrgyz nationals travelling abroad.

1. Kyrgyz national passport to travel abroad shall be issued to:

- Kyrgyz citizens, permanently residing in the Kyrgyz Republic and who reached the age 18 – under the personal application to the bodies of interior and Ministry of Foreign Affairs.
- Kyrgyz nationals, permanently residing abroad and who reached the age of 18 – under the personal application to the diplomatic or consular missions of the Kyrgyz Republic abroad;

In the exceptional cases, under requirements of the state, where Kyrgyz citizen is travelling, or international organizations looking for his participation, the passport shall be issued to a citizen under 18.

Individuals, applying for passport issuance, shall inform about the purpose of the travel, personal information, information on family status and minor children and dependants, and lack of circumstances, restricting rights for travel abroad according to this Law.

2. National passports of the Kyrgyz Republic shall be issued for 10 years.

Passport validity shall be extended according to the procedures in an established order for the passport issuance.

On the territory of the Kyrgyz Republic issuance of passport for travelling abroad and extension of passport validity shall require state duty and consular fees collection.

3. National passports for children shall be issued on the basis of application, certified by notary, of their parents or legal

representatives, in case of a need for independent travel of children abroad. The application shall provide information on a child, as well as lack of circumstances that, according to this Law, may result in imposing restrictions on the rights to travel to foreign countries. (Children aged under 16 only).

Travel documents for children of Kyrgyz citizens, permanently residing in the Kyrgyz Republic, shall be issued by the bodies of interior by place of residence, and to those, residing abroad – by diplomatic or consular missions of the Kyrgyz Republic.

Travel document for children should be issued for three years or till the age of 18.

4. Diplomatic or official passports of the Kyrgyz Republic shall be issued to Kyrgyz nationals by the consulate of the Kyrgyz Ministry of Foreign Affairs in conformity with the established procedures.

Article 44. Procedures of passport issuance, their temporary retaining and withdrawal.

Procedures for passport issuance, their temporary retaining and withdrawal shall be determined by the Kyrgyz Government in conformity with this Law, and shall be published.

Article 45. Terms and procedures for considering travel document.

Applications of Kyrgyz nationals or their legal representatives for the issuance of Kyrgyz travel documents for permanent residency shall be considered within three months and travel documents for temporary exit – within one month.

Applicant shall be notified about grounded denial or consent in travel documents issuance in the written form within five days after rendering these decisions.

When reason to travel abroad is related to an urgent medical treatment of the travelling citizen or serious illness or death of a relative, residing abroad, application shall be considered immediately. Travelling citizen shall be informed about decision not later than within three working days.

Article 46. Grounds for imposing temporary restrictions on the rights of Kyrgyz nationals to travel abroad.

Temporary restrictions may be imposed on passport issuance for exiting from the Kyrgyz Republic, if:

- 1) he is aware of confidential state information - till the expiry of period determined by the Kyrgyz legislation;
- 2) there are unsettled alimony, agreement or other obligations – till fulfillment of the obligations or dispute settlement through the mutual agreement of the Parties in provided by the law circumstances or provision of a pledge, unless otherwise provided by the international agreement, to which Kyrgyz Republic is signatory;
- 3) criminal proceedings were instituted against applicant - till the end of proceedings;
- 4) applicant was convicted for committing a crime – till the sentence is served or release from sentence;
- 5) he evades carrying out obligations, prescribed by court decision – till their fulfilling;
- 6) he knowingly submitted false information – till clarification of the reasons and consequences of submitting false information;
- 7) he is a subject to a military service – till the delay of the service is addressed;
- 8) civil suit is brought against him – till the end of proceedings;
- 9) he is recognized by a court verdict as an extremely dangerous recidivist or is under administrative supervision of police – till conviction is expunged or supervision stopped.

The passport shall be temporarily retained or withdrawn in cases, provided by paragraphs 1-9, part one of this article or if passport was used for committing a crime, or the passport is fraudulent, as well as when citizenship is suspended. Temporary retaining or withdrawal of the passport in such cases shall be executed by the court, prosecutor's office, bodies of interior and security of the Kyrgyz republic.

Article 47. Grounds for imposing restrictions on travel of Kyrgyz nationals to foreign countries for security reasons.

In the event of emergency situation in any foreign state that makes it impossible to ensure security of Kyrgyz nationals, Kyrgyz Government on the submission of the declaration of the Ministry of Foreign Affairs shall make a decision on special arrangements for the travel of Kyrgyz nationals to this state or shall have a right to impose restrictions on travel to this state. Restrictions shall be effective till the change of the situation hindering from the travel.

Decisions of the Kyrgyz Government on restrictions shall be disclosed to the Kyrgyzstan people, intending to travel to the state. The Kyrgyz Government shall warn people about impossibility to ensure security to the Kyrgyzstan citizens due to the emergency situation. This warning shall not prohibit travelling.

Article 48. Procedures for disputes settlement

Citizens of the Kyrgyz Republic may appeal against the decision on denial in passport issuance or extension or temporary retaining or withdrawal of the passport in court.

Denial in travel abroad on the grounds, provided by paragraphs 3-5 and 9, article 45 of this Law shall not be appealed by the Kyrgyz citizens.

Article 49. Registration of the Kyrgyz citizens abroad.

Kyrgyz citizens travelling abroad for more than three months shall register their arrival within three days in diplomatic or consular missions of the Kyrgyz Republic in the state of travelling.

In the event of absence of the diplomatic or consular missions of the Kyrgyz Republic, registration shall be performed through electronic or facsimile means of communication in the country of arrival.

In the event of absence of the diplomatic or consular missions of the Kyrgyz Republic in the country of arrival, registration shall be performed in special authorized representatives of other states.

Chapter II. Exit of Kyrgyz citizens from the Kyrgyz Republic to foreign countries for temporary residence

Article 50. Protection of the rights and legal interests of the Kyrgyz citizens abroad by the Kyrgyz Republic

The Kyrgyz citizens travelling abroad the Kyrgyz Republic are guaranteed protection of the Kyrgyz Republic in accordance with the Kyrgyz legislation.

Article 51. Employment of Kyrgyz nationals in foreign countries

Kyrgyz nationals, except for those performing military service, shall have the right for employment in the foreign countries.

Restrictions could be imposed on the exit of Kyrgyz nationals to foreign countries for employment reasons only in circumstances, provided by the legislation of the Kyrgyz Republic.

The procedural requirements for the employment of Kyrgyz nationals in the foreign countries shall be determined by the Kyrgyz Government.

Article 52. Exit for official purposes

Kyrgyz citizens shall exit from the Kyrgyz Republic due to official travel in conformity with the statute approved by the Government of the Kyrgyz Republic.

Article 53. Exit for private purposes

Exit of Kyrgyz nationals from the Kyrgyz Republic for private purposes shall be performed in conformity with this Law and other normative and legal acts of the Kyrgyz Republic.

Chapter III. Emigration

Article 54. Procedural requirements for the exit of Kyrgyz nationals for permanent residence outside the Kyrgyz Republic.

Kyrgyz nationals travelling outside the Kyrgyz Republic shall have a valid visa or permission issued according to the procedure established by the Kyrgyz legislation.

Kyrgyz nationals, who were issued exit travel documents, shall have the right to travel abroad with the owned property as well as to keep it on the territory of Kyrgyz Republic. No restrictions shall be imposed on their civil, social, employment, housing and other rights. Exit from the Kyrgyz Republic with the objects of cultural, historical or other wealth of the state shall be regulated by the Kyrgyz legislation and international treaties, to which the Kyrgyz Republic is obligatory.

Before exiting to the foreign country, Kyrgyz nationals shall fulfill property obligations before the individuals and legal entities under the jurisdiction of the Kyrgyz Republic.

Procedures for entry to the foreign state shall be regulated by the legislation of the relevant state of arrival as well as international agreements, to which Kyrgyz Republic is signatory.

Kyrgyz citizens can not be deprived of the right for entry to the KR.

Upon the return to the Kyrgyz Republic for permanent residence, Kyrgyz citizens, who moved to a foreign country for permanent residence, shall have all rights guaranteed by the Kyrgyz legislation and carry responsibilities envisaged by the legislation.

Article 55. Non-emigrants

Personnel of the Kyrgyz diplomatic and other missions in foreign countries, Kyrgyz nationals temporarily working in foreign countries, military servants, involved in peace-keeping activities, as well as students, individuals on medical treatment, tourists travelling under invitations of organizations or private persons and for official purposes in foreign countries shall not be deemed as emigrants. Other persons, who temporarily moved from the territory of the Kyrgyz Republic, shall also not be deemed as emigrants.

Article 56. Exit of nationals aware of state secret information.

Exit of Kyrgyz national aware of the state secret information from the Kyrgyz Republic should not be authorized on the grounds, provided by the Law of the Kyrgyz Republic "On Protection of State Secrets of the Kyrgyz Republic".

Temporary restrictions shall be communicated to the citizens by administration of an enterprise, agency, organization or an authorized body, head of educational institution, commander of the military unit when hiring for work (study) or drafting for military service, having the access to state secret information.

Article 57. Expenses for exit of Kyrgyz nationals from the Kyrgyz Republic

Expenses for exit of Kyrgyz nationals for permanent residence to other countries from the Kyrgyz Republic shall be covered by the

emigrants as well as by other legal sources.

SECTION IV. Responsibilities for Violation of the Kyrgyz Legislation.

Article 58. Grounds for responsibilities for violation of the Kyrgyz legislation

Immigrants, who committed administrative or other violations on the territory of the Kyrgyz Republic, shall be responsible for their actions on common basis established for the Kyrgyz citizens, except for the cases, determined by the international agreements of the Kyrgyz Republic.

Article 59. Responsibilities for illegal entry to the Kyrgyz Republic

Foreign nationals or stateless persons shall be responsible for the illegal entry to the Kyrgyz Republic in compliance with the legislation of the Kyrgyz Republic.

Article 60. Responsibilities for hiring illegal migrants

In the event of employment as well as registration of illegal migrants, that is foreign citizens and stateless persons staying on the territory of the Kyrgyz Republic without relevant authorization, materials on employers, irrespective of ownership form, and persons, responsible for the registration, shall be submitted to the court in compliance with the Kyrgyz legislation.

Article 61. Responsibilities of individuals and legal entities, who invited foreign nationals and stateless persons.

In the event of non compliance with the article 24 of the present Law individuals and legal entities, who invited foreign nationals and stateless persons to the Kyrgyz Republic, shall bear responsibilities in accordance with the Kyrgyz legislation.

Article 62. Responsibilities for violating the requirements for stay and transit travel

Foreign nationals or stateless persons for violation of stay and transit requirement, that is stay without the documents, or under fraudulent documents, violation of the registration procedures or travel or choice of the place of residence, evasion of exit upon the expiry of period for stay as well as violation of transit travel rules shall be brought to responsibilities according to the Kyrgyz legislation.

The issue of responsibility of individuals, enjoying privileges and immunity in conformity with the Kyrgyz legislation and international legal acts shall be solved in a diplomatic way.

Article 63. Career Responsibilities

Authorized agencies shall ensure the exit of foreign nationals or stateless persons that arrived to KR without a relevant authorization at the expenses of foreign nationals or stateless persons, and when they can not cover travel costs – at the expenses of carrier.

If a foreign national or a stateless person, who being denied to enter the Kyrgyz Republic, cannot leave immediately, authorized state agencies of the Kyrgyz Republic shall determine their stay in a certain place before the exit.

Expenses for stay of foreign nationals or stateless persons, enlisted in part two of this article, and exit, according to part 2 article 6 of this Law, shall be covered by the carrier.

The carrier, who brought foreign nationals or stateless persons in Kyrgyzstan, does not meet the conditions for entry, established by the articles 6 and 7 of this Law, shall be responsible in accordance with the legislation of the Kyrgyz Republic.

SECTION V. Final Provisions

Article 64. State and consular fees

Under this Law state and consular fees shall be paid in an amount determined by the Kyrgyz legislation.

Article 65. Putting the present Law in force

The present Law shall be implemented from the day of its publication.

The Kyrgyz Government shall bring its normative acts into accord with the present Law.

The Kyrgyz Law "On Procedures For Stay of Foreign Citizens in the Kyrgyz Republic (bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 1994, #3, p. 70) shall be recognized invalid.

The President of the Kyrgyz Republic

Akaev A.

Bishkek, Government House

July 17, 2000

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