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Protecting Asylum-Seekers, Refugees and Stateless People

UNHCR, the United Nations Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.

UNHCR supports the Government of the Republic of Kazakhstan to protect people forced to flee and those without any nationality, ensuring they can exercise their basic human rights and supporting them to build better futures.

With multiple government, civil society, non-governmental and UN partners, UNHCR promotes alignment of national laws with international standards and local integration of the people it serves, ensuring no one is left behind.

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FOR MORE INFORMATION

Download UNHCR Analysis of National Legislation of Kazakhstan on Refugees and Statelessness, or visit:

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Protecting people forced to flee

During its 30 years of independence, Kazakhstan has sheltered thousands of people fleeing war, persecution, conflicts, or human rights violations.

The [1951 Refugee Convention](#) is a key legal document that defines who refugees are and their rights – refugees are protected in international law. In 1999, Kazakhstan acceded to the 1951 Refugee Convention and its 1967 Protocol, committing to share responsibility with other refugee-hosting countries, and to not return (refoule) refugees into danger, but provide them with access to their territory, quality asylum procedures and protection, and basic human and socio-economic rights.

As per the global mandate bestowed by the United Nations General Assembly upon the United Nations High Commissioner for Refugees, UNHCR monitors and supports States in protecting:

Asylum-Seekers

An **asylum-seeker** is a person who is seeking protection in another country, but their request for sanctuary has not yet been concluded.

Being able to seek safety in another country, when in fear for your life, is a human right – everyone should be allowed to enter another country to seek asylum.

Refugees

A **refugee** is someone who has fled conflict or persecution, crossed an international border to find safety in another country, and has had their request for sanctuary processed.

Not everyone who seeks safety in another country is a refugee. Someone who has committed a crime against humanity or serious non-political crime, for example, does not qualify for refugee status.

Refugees are also distinct from 'migrants' who are people who choose to leave and can return to their countries.

Refugees in Kazakhstan have been living in the country for years, or even decades. They speak Kazakh and/ or Russian, some have family ties with citizens and children born in Kazakhstan, and they are culturally integrated.

Like other countries, Kazakhstan currently hosts both 'Convention' and 'Mandate' refugees.

'**Convention**' refugees have been recognised by the State – through their Refugee Status Determination procedures – as being a refugee.

In Kazakhstan, the State provides convention refugees with some of the rights accorded by the 1951 Convention. Convention refugees can access education, employment, and minimal healthcare, for example, but are still excluded from social support and naturalization.

'**Mandate**' refugees have been recognised by UNHCR – under UNHCR's global mandate.

While their stay is tolerated, without legal status, mandate refugees do not have access to rights, basic services (except education) or socio-economic safety nets and are therefore particularly vulnerable.

UNHCR supports the Government of Kazakhstan to strengthen asylum procedures and improve national legislation, ensuring people forced to flee can access all rights encompassed in the 1951 Refugee Convention – including naturalization. With due rights, refugees can more meaningfully integrate into host communities and contribute to Kazakhstan's economic and social development.

Protecting people without any nationality

Following the dissolution of the Soviet Union, many residents did not manage to confirm or acquire the nationality of a successor independent State. Without a nationality, tens of thousands of people across Central Asia are without the protection of any country.

In the 2009 National Population Census, 57,000 people identified themselves as stateless. Since then, and with the support of UNHCR, Kazakhstan has made significant progress in reducing and preventing statelessness.

While not yet a State party to the 1954 and 1961 Statelessness Conventions, Kazakhstan has increasingly brought its legislation and practices in line with their provisions, including enshrining universal birth registration in its Code on Marriage and Family and introducing Statelessness Determination Procedures.

UNHCR supports the Government of Kazakhstan in identifying, documenting and protecting:

Stateless Persons

A “**stateless person**” is a person who is not considered as a national by any State under the operation of its law.

In Kazakhstan, they are issued a special “Stateless Person” certificate by the government with which they can stay in Kazakhstan, and access work, public services and healthcare. After five years of residence with the status of “stateless person”, they can apply to be naturalized as citizens of Kazakhstan.

Persons with undetermined nationality

People with undetermined nationality do not have proof of having any nationality but do have links to more than one State by birth, descent, marriage or habitual residence, or are perceived and treated by authorities in the State of residence as possessing such links. They do not have legal status in Kazakhstan and cannot access basic rights and services such as education, healthcare, employment and freedom of movement.

With no legal status or valid identification documents, it is like these people do not exist.

As only States can grant or confirm nationality, the cooperation of Kazakhstan in preventing and reducing statelessness in the country is crucial. UNHCR supports the government to identify and document people of undetermined nationality and to prevent statelessness from occurring.

UNHCR also encourages the Republic of Kazakhstan to become party to the 1954 and 1961 Statelessness Conventions – the universal implementation of which would end statelessness within a single generation.

The [Global Compact on Refugees](#) is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. The Compact provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives.

As a member of the [UN Sustainable Development Cooperation Framework of Kazakhstan](#), UNHCR actively engages with partners and stakeholders to ensure refugees, asylum-seekers and stateless people are not left behind in Kazakhstan’s achievement of the [Sustainable Development Goals \(SDGs\)](#).



Shadow of child statelessness set to lift following changes in birth registration laws



Every day, when Roza walks her nine-year-old daughter Marzhan to school, she has a knot in her stomach. While proud of her daughter’s accomplishments, Roza is anxious that the school administrator will again ask for Marzhan’s identity documents to formalize her enrollment. But Marzhan doesn’t have identity documents, nor does Roza – they are both stateless persons with undetermined nationality.

Roza lost her nationality due to a lack of safeguards in national laws; gaps which Kazakhstan is taking steps to address. Born in Uzbekistan, Roza renounced her Uzbek citizenship when she moved to Kazakhstan ten years ago, understanding it to be a necessary step to apply for ‘kandas’ (ethnic Kazakh) status which would entitle her to Kazakh citizenship. Before the process could be completed, she lost her Uzbek passport, which would have proven her ethnicity, and having renounced one citizenship to acquire another, Roza was left without either. Without legal status, Roza could not register the birth of her children, so Marzhan and her two siblings are also without a nationality.

Roza’s only dream is to save her children from a life of hardships caused by statelessness. “I want them to live a normal life, not hiding from anyone.”

Thanks to changes to birth registration laws passed in 2019, all children born in Kazakhstan are now entitled to be registered at birth and issued with birth certificates, regardless of the legal status of their parents. The law is retroactive, making it possible for Roza’s children to be issued birth certificates.

With the legal support of UNHCR partner ‘Sana Sezim’, a case to apply for birth certificates for Roza’s children was opened, and is now close to completion. Through parallel efforts, Sana Sezim is also pursuing documentation for Roza. The day may soon come when Roza can present Marzhan’s identity documents and instead of being anxious when walking her daughter to school, she can just be proud.

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