



Migration Profile

KAZAKHSTAN

A. Executive Summary

Kazakhstan is a large Central Asian country situated between Asia and Europe. It is a former Soviet state and a current member of the post-Soviet Commonwealth of Independent States (CIS). Following its independence in 1991, it made great strides towards economic recovery. It is now a relatively wealthy nation with an abundance of natural resources, including reserves of oil and gas. Kazakhstan's geographical location and economic growth combined with foreign investment have made it a country of destination for skilled and unskilled labour migrants from other Central Asian nations, as well as from nations further afield.

The population of over 18 million (2020) is increasingly ethnic Kazakh (58%) as Russians have been departing since independence and Kazakhs living abroad have been returning in significant numbers. Islam is the main religion; a quarter of the population is Christian Orthodox; Catholics number just 1%.

Kazakhstan is largely a country of transit and immigration, and a host country for refugees and asylum seekers from Central Asia, the Middle East, and East Asia, some escaping conflicts, others natural disasters or poverty. But it also produces migrants, refugees, and asylum seekers. Many Kazakhs migrate to European and Asian nations where the standard of living is higher and opportunity more widespread. Others seek refuge, both within and outside the country, from ethnic conflict. Human trafficking is also an ongoing issue in Kazakhstan. While the country is largely one of destination for trafficked persons, it is also one of origin and transit. Kazakhstan presently fails to meet international standards on human trafficking but is making efforts to establish a stronger framework to punish those guilty of this crime against humanity and protect the victims.

Though Kazakhstan possesses a legal framework on migratory issues, it is underdeveloped compared to international protocols. However, steps are being taken to remedy this, with government and non-governmental organizations, including several connected with the Catholic Church, working to improve the conditions of migrants of all stripes entering and leaving Kazakhstan.

Country Profile

I. Basic Information

Kazakhstan is a state in Central Asia that formerly belonged to the Soviet Union, and the last to declare independence from it, in 1991. It is a presidential republic with a bicameral legislature consisting of a Senate and Assembly (Majlis). The country is a member of the UN, the

Commonwealth of Independent States (CIS), the Organization for Security and Co-operation in Europe (OSCE), and the Eurasian Economic Union (EAEU).

Bathed by the waters of the Caspian and Aral Seas, Kazakhstan borders Russia to the west and north; China to the east; and the Central Asian countries of Kyrgyzstan, Uzbekistan, and Turkmenistan to the south. It is the largest country in Central Asia and among the largest in the world, with a territory of 2,724,900 km². The country is divided into 14 regions and has three major cities: Nur-Sultan (the country's capital), Almaty, and Shymkent. The city of Bajkonur (the so-called "Space City") also has a special status: it has been leased to the Russian Federation until 2050 as the site of the Bajkonur Cosmodrome.

The country is particularly rich in gas, oil, and mineral resources such as gold, silver, and uranium. It also possesses an abundance of arable land and has a per capita GDP of USD 8,820. Its main exports include oil and natural gas, agricultural products, raw materials, chemicals, and manufactured goods.

According to data from the National Statistical Committee of Kazakhstan for 2020, the population was 18,833,100, with 43% living in rural and 57% in urban areas. The main ethnic groups are Kazakhs, who make up about 58% of the population, and Russians, who make up about 20%. The remaining 12% consists of Uzbeks, Ukrainians, Tatars, Uighurs, Turks, Azeris, Belarussians, Koreans, and Germans. Kazakhstan's population is young, with 50% under the age of 30 and 25% under 15. The official state language is Kazakh, while Russian is commonly used as a language of inter-ethnic communication and for all levels of administrative and institutional business. Kazakhstan intends to transition from the Cyrillic to the Latin alphabet by 2025. Finally, Kazakhstan is home to different religious denominations: 70% of the people are Muslim, 26% Christian Orthodox, 1% are Catholic, and 3% belong to minority religious groups. This gives Kazakhstan the largest number of Catholics (250,000) of any Central Asian country.

II. Internal and International Migration

Kazakhstan was the first Central Asian state to embark on the road to economic recovery after the collapse of the USSR. Since 2000 the country has increasingly become an important destination for labour from Central Asia and has become the most affected by migration flows among Central Asian countries. Over the past few years Kazakhstan has experienced a high rate of foreign investment and strong economic growth, mainly due to oil extraction and export. In the last decade in particular, Kazakhstan has seen a growing demand for highly skilled labour in industry, business and education, as well as an increased demand for unskilled labour in agriculture and construction. This has made it the main destination for people from Kyrgyzstan, Uzbekistan and Tajikistan, whose population growth rates have generated an excess of work force in economies that have failed to expand adequately.

In 2019 Kazakhstan hosted 3,705,556 international migrants. In March 2018, responding to the increase in the number of Tajik migrants to Kazakhstan, an agreement was signed allowing Tajik and Kyrgyz migrants to stay in Kazakhstan for 30 days without having to register (90 days with registration). Kazakhstan has a set quota for the foreign labour force. After China and Turkey, Uzbekistan ranks third as the country of origin of labour migrants present in Kazakhstan.

CIS countries supply 83% of the international migrants that come to Kazakhstan, while 17% come from non-CIS countries such as China, South Korea, and Turkey. One fifth of the ethnic Kazakh

population lives outside Kazakhstan, mainly in Uzbekistan and the Russian Federation. Returning ethnic Kazakhs, influenced by the desire to preserve their national identity, make up the majority (59%) of the migration inflow. Between 2003 and 2019, about 73,000 thousand ethnic Kazakh migrants moved from Turkmenistan to Kazakhstan, mainly to the Mangistau region, accounting for 20% of the region's population; a significant proportion lives in the city of Zhanaozen.

III. Skilled Migration and Emigration

In the first years after independence, a significant number of Russians emigrated from Kazakhstan to the Russian Federation. This emigration, together with the return of ethnic Kazakh migrants to the country, changed the demographic composition of the country: by the mid-1990s Kazakhs accounted for about half of the total population and Russians made up only about a third. In recent years there has been an increase in the number of ethnic Russians emigrating from Kazakhstan to the Russian Federation. Within the CIS, the Russian Federation is the main host country for migration from Kazakhstan, receiving about 90% of all migrants leaving Kazakhstan for CIS countries. The main category is specialists and qualified professionals who emigrate to the Russian Federation for work or study and intend to settle there permanently. The main reasons for this emigration include the higher standard of living in the Russian Federation, better wages, higher quality education at lower costs, and broader opportunities for personal development. Studies show that emigrants from Kazakhstan in the Russian Federation earn on average 25% more than at home. It is estimated that there are about 70,000 migrants from Kazakhstan registered in the Russian Federation. If illegal migration was added, the figure could exceed 100,000. (There is also legal and illegal migration to other countries such as China, the USA, Great Britain, and Turkey.)

Kazakhstan remains predominantly a country of transit and immigration, attracting skilled workers from various countries but increasingly becoming a destination for low-skilled migrant workers from Kyrgyzstan, Tajikistan, and Uzbekistan.

In recent years Central Asian countries have also revised their policies regulating intra-regional migration through the establishment of bilateral agreements regarding migratory flows. Labour migration is mainly organised through informal support networks. It is estimated that, while 20% of migrant workers in Kazakhstan found work independently and 10% through employment agencies, about 70% found work through friends, relatives or acquaintances. Nevertheless, clandestine labour networks exist. Geographical proximity and the widespread production of raw materials favour the movement of skilled and unskilled labour from Uzbekistan to Kazakhstan. In order to prevent the illegal trafficking of migrant workers, a bilateral agreement to protect the rights of Uzbek migrant workers in Kazakhstan was ratified in April 2020.

IV. Forced Migration (internally displaced, asylum seekers, and refugees)

According to data from the Migration Data Portal for 2020, the number of refugees in Kazakhstan was 2,800. Of these, 90% come from Afghanistan, while the remaining 10% includes refugees from Syria, Uzbekistan, China, and other countries. Many of them have been living in Kazakhstan for over 10 years. In accordance with Kazakh legislation, all applications for asylum are submitted to the Migration Service of the Ministry of Interior. After the registration of the application for refugee status, the asylum seeker is issued a certificate affording the right to stay in Kazakhstan pending the decision on the application. Within three months of the registration of the application for refugee status, the asylum seeker is invited for an interview with the Migration Service, where

he/she provides information about his/her persecution. The asylum seeker is then notified of the decision within the same period. If deemed necessary, additional verification procedures may be carried out, although a decision must be made within a maximum of one year from the date of registration of the application. If the decision is positive, the asylum seeker is issued with a certificate attesting to her/his refugee status for at least one year, with the possibility of extension thereafter. However, if the application is rejected, the asylum seeker has the right to file a petition for judicial review, the final decision of which is made by the Supreme Court of Kazakhstan.

According to national legislation, refugees possessing a travel document issued by Kazakhstan or their country of origin have the right to stay and move freely within and outside the country. Refugees also have the right to education, health care, employment, and family reunification. Having acceded to the 1951 Refugee Convention, Kazakhstan has full responsibility to protect refugees within its territory, and, therefore, UNHCR does not facilitate the resettlement of refugees recognised by Kazakhstan to third countries.

Most of the refugees live in Almaty and the southern regions. Many who are qualified specialists with higher education have difficulty finding work and end up working irregularly or independently.

In the early 1990s Kazakhstan opened its doors to refugees from Tajikistan and Afghanistan who were fleeing civil war. Since then, most of them have managed to return home, while others have obtained a residence permit or Kazakh citizenship.

According to a 2020 report by the Internal Displacement Monitoring Centre, floods caused by the bursting of a dam in Uzbekistan displaced some 31,000 people in the Maktaaral district of the Turkistan region of Kazakhstan. In February 2020 clashes between the Kazakh and Dungani communities in the southern region of Jambyl displaced more than 23,000 people, mostly Dungans (the Muslim minority of Chinese origin settled in Kazakhstan).

The number of Kazakh asylum seekers leaving the country is increasing. While in 2000 more than 3,000 Kazakhs had applied for asylum in other countries, by 2010 the number had increased to 4,500 and then almost doubled to 8,000 by 2018. However, it should be stressed that these numbers report the total number of asylum applications made in host countries. It is estimated that there may be many economic migrants among these, and thus not all Kazakh refugees subsequently receive a positive response to their application. Recently, after the abolition of the visa system between Kazakhstan and South Korea, the latter has become one of the main destination countries where Kazakh citizens seek asylum. In 2018 South Korea was the top country for the number of asylum seekers from Kazakhstan, surpassing the USA.

V. Victims of Human Trafficking

Kazakhstan is a country of destination and, to a lesser extent, of origin and transit for men, women, and children subjected to sexual exploitation and forced labour. Human trafficking has been a long-standing problem for the country. As reported in the US State Department's "Trafficking in Persons Report, 2020", Kazakhstan does not yet fully meet minimum standards against human trafficking, but it is making significant efforts to identify, investigate, and protect victims of such crimes. The country has significantly increased funding for awareness-raising campaigns as well as for assisting victims of trafficking and establishing active cooperation with international

organisations and NGOs to protect victims and raise awareness of crimes related to human trafficking.

Nonetheless, human trafficking remains a persistent problem for Kazakhstan both within the country and abroad. Kazakh women and girls are sexually exploited in countries of the Middle East, Europe, and the United States. Women and girls from neighbouring countries in Central Asia and Eastern Europe, as well as from rural areas of Kazakhstan, are victims of sexual exploitation in Kazakhstan, most often lured by promises of work as waitresses, models, or babysitters in the big cities, while children are forced to beg on the streets or commit crimes. Chinese, Filipinos, Ukrainians, Kazakhs, and other Central Asian citizens are subjected to forced labour in domestic service, construction, and agriculture in Kazakhstan. Men and women trafficked abroad are pressed into forced labour, mainly in the Russian Federation, but also in Bahrain, Brazil, Korea, Turkey, and the United Arab Emirates. The relative economic prosperity in the capital, Nur-Sultan, Almaty, and the western oil cities of Aktau and Atyrau attracts large numbers of Kazakhs from rural areas of the country who then run the risk of becoming victims of trafficking. In 2019 Kazakh authorities identified 40 trafficking victims in the country, while in 2018 83 had been identified. In 2019 NGOs assisted 76 victims of trafficking, compared to 122 in 2018; these were mostly men who were victims of forced labour. Of this total, 21 were Kazakhs and 55 were foreign nationals, most of whom were from Uzbekistan.

There are eight shelters for victims of trafficking run by NGOs in the country. These centres offer legal, psychological, and medical assistance and are accessible to all those who are victims of trafficking, regardless of gender or age. In addition, there are hotlines through which victims can receive assistance by telephone.

The Kazakh authorities continue to work actively against human trafficking in persons. In March 2006 the law on “combatting trafficking in human beings” was adopted and a number of articles of the Criminal Code were amended, such as Article 128, which has become fundamental for the punishment of convicted traffickers. The article is titled "Trafficking in persons" defines offences of medium gravity, which carry a penalty of up to 5 years imprisonment; while the maximum penalty for more serious offences stands at 15 years' imprisonment with confiscation of property. All articles of the Penal Code relating to trafficking in persons provide for harsher penalties for this type of crime. Further amendments were also made to the Criminal Code in January 2020. Articles 125 (3b), 126 (3b), 128, 135, 308, and 1341 of the Penal Code now prohibit all forms of trafficking for sexual and labour exploitation and carry a penalty of up to 15 years' imprisonment.

VI. National Legal Framework

Over the years Kazakhstan has developed a legal framework regulating the issues of internal and external migration, especially as regards the conditions and modalities of residence of foreign citizens working in the country. The Constitution guarantees the right to move freely within the territory of Kazakhstan and freely choose one's residence, except in specific cases provided for by the same law (par. 2, Art. 21). It also states that foreign citizens and stateless persons in Kazakhstan shall enjoy the same rights and freedoms, as well as the same obligations, afforded Kazakh citizens, unless otherwise prescribed by the Constitution, laws, or international treaties (par. 4, Art. 12).

The main normative acts regulating migration to Kazakhstan are as follows:

- Constitution of 1993;
- Citizenship Law of 1991;
- Law on the legal status of foreign citizens of 2006;
- Refugee Act of 2009;
- Population Migration Act of 2011 (with recent amendments in 2019);
- Population Employment Act of 2013;
- Law on amendments and modifications to certain legislative acts of the Republic of Kazakhstan on combating trafficking in persons of 2013; and
- Criminal Code of 2014 (with recent amendments in 2020).

Kazakhstan has not acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, but some of the Convention's provisions are foreseen within current national legislation. Kazakhstan did ratify the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol in 1998.

In 2017 the Decree of the Government of Kazakhstan on "The Concept of Migration Policy of the Republic of Kazakhstan for 2017-2021" and the "Action Plan on Implementation of the Concept of Migration Policy for 2017-2021" were approved. Work is also under way for the creation of a free market in the country to attract highly qualified specialists, while protecting the domestic labour market with procedures and an annual quota on foreign citizens' access to the Kazakh labour market. In fact, paragraph 3 of Art. 11 of the Law on Employment of the Population stipulates that the quota, conditions and procedures for issuing permits to employers interested in foreign labourers will be determined by the Government of Kazakhstan.

At the beginning of 2006, the law on the legal status of migrants arriving in the country came into force. This was an important step towards the legalisation of irregular migrant workers, with 165 migrant workers being regularised by the end of that year. This was a unique experience among the CIS countries. In 2013 Kazakhstan amended a number of laws dealing with the recruitment of domestic workers, allowing for the regularisation of a considerable number of irregular migrants and increasing state revenues through taxes paid by migrants. (This is an exception in Central Asia, where the legal frameworks on migration are still limited.) Despite this, Kazakhstan's national legislation remains underdeveloped and not always in line with international standards.

In the framework of the CIS and the Eurasian Economic Union (EAEU), accords have been made on the protection of the economic and social rights of migrants. In general, citizens of the CIS countries, Mongolia, and Turkey enjoy the right to enter Kazakhstan without a visa. In addition, foreign citizens staying temporarily in Kazakhstan are required to register within five days of entering the country at their place of temporary residence. This registration is carried out based on the person's identity documents and migration papers received on entry.

Kazakhstan's Law on Refugees grants refugee status for one year. A person who is granted this status receives a refugee certificate within five days after this recognition from the authorised institution. If the circumstances in the refugee's country of origin remain unchanged, refugee status can be extended for one year (an application must be submitted one month before expiration). This can be repeated indefinitely as needed.

According to the Law on Citizenship of the Republic of Kazakhstan, foreign citizens and stateless persons may obtain Kazakh citizenship upon application, but they cannot continue to hold another citizenship. The decision on applications for citizenship rests with the President of the Republic of Kazakhstan.

In December 2019, in order to combat statelessness among children in Kazakhstan, amendments were introduced to the Marriage and Family Code to ensure the registration of all children born in Kazakhstan as well as the issuance of a birth certificate, regardless of the legal status of the parents. Previously, although the birth registration rate in Kazakhstan was quite high, children of undocumented migrants and stateless persons could not be registered at birth. Indeed, during the #IBelong campaign launched by UNHCR in 2014, over 5,000 stateless persons were identified in Kazakhstan, many of whom were children not registered before and not in possession of a birth certificate.

Most recently, in 2020, Kazakhstan signed a law ratifying an agreement with Uzbekistan on employment and protection of the rights of migrant workers for citizens of the two countries. The agreement regulates migration flows and prevents illegal work activity in the territory of both, thus enhancing the protection of migrant workers' rights. In particular, migrants will be able to receive free medical treatment and compensation in the event of injury or other work-related health condition. The agreement also establishes the procedure for recognizing diplomas and degrees obtained in the country of origin and provides for social security and pensions. Finally, the two countries commit to cooperate in the training of their employees on migration issues and in scientific research, as well as in the organisation of joint operational and preventive measures to combat illegal migration.

VII. Main Actors

The State

Kazakhstan's migration policy focuses on promoting the return of its citizens living abroad. To date, 12 readmission agreements have been signed, of which seven have been ratified and another five are in the process of approval. In addition, there are 13 readmission agreements with Afghanistan, Bulgaria, Greece, Iran, Iraq, Canada, Cyprus, Korea, Kyrgyzstan, Pakistan, Poland, Tajikistan, and Ukraine that are in the process of being drafted and coordinated. In order to provide assistance to compatriots who have returned to the country and members of their families, special centres with adaptation and integration services have been established in the cities of Aktau, Karaganda, and Shymkent, as well as in the Aksukent region of southern Kazakhstan. The adaptation programmes implemented in these centres provide legal advice, Kazakh and Russian language instruction, vocational training, and re-skilling.

The country has two state programmes aimed at resettling the workforce from southern regions to northern regions - where labour is scarce - by promoting internal migration. The regions that most attract internal migrants often do not have sufficient potential to accommodate existing migration flows, and therefore the relevant authorities have undertaken programmes to redirect labour resources to those northern regions where there is a shortage despite the presence of the country's main industrial sectors. The Serpin-2050 educational programme has been under way since 2014 and is a national social modernisation programme. Under this programme, young people from the southern regions receive free training in one of three priority areas (education, technical sciences,

or agricultural sciences) in order to work in the northern regions. During the training period, young people are granted a scholarship and accommodation. Alternatively, the state programme "Enbek," for the development of productive employment and entrepreneurship, aims to balance regional labour disparities and stimulate labour mobility during its lifespan (2017-2021). State support for participants in this programme includes relocation subsidies, reimbursement of housing rental costs, and payment of utilities for one year. The programme provides for the free use of land and subsidies for migrants' wages, training, and re-skilling. From 2018-2022 it is expected to support the resettlement of more than 59,000 families.

The Catholic Church

In 1992 the Apostolic Nunciature of the Holy See was established in Kazakhstan at the insistence of Pope John Paul II. The Catholic Church in Kazakhstan is structured around the Apostolic Administration of Atyrau, whose territory is divided into six parishes. It includes the Archdiocese of Mary Most Holy in Astana and the two Dioceses of the Holy Trinity in Almaty and Karaganda. In addition, there is the Apostolic Administration for the Greek Catholic faithful in Kazakhstan and Central Asia. The local episcopate is integrated into the Episcopal Conference of Kazakhstan.

Caritas Kazakhstan is active in the country as the operational hand of the Church in providing assistance to needy and vulnerable people. It provides clothing and food, and raises funds to support the elderly in buying medicines, for example. For children and youth, there are summer camps with holiday homework classes, as well as fundraising for the purchase of school supplies for children from needy families. In addition, social adaptation programmes include free computer literacy and English language courses. The main migrant-related project of Caritas Kazakhstan consists of helping the voluntary return of Kazakhstanis to their homeland and their subsequent local integration. Caritas Kazakhstan also cooperates with organizations such as the Holy See's Dicastery for Promoting Integral Human Development, the Red Cross Society, Renovabis, Kirche in Not, Caritas Italy, Caritas Slovakia, Caritas Belgium, Caritas Netherlands, the Diocese of Tarnow (Poland), and the pharmaceutical company Polpharma (Poland), as well as with the embassies of various countries represented in Kazakhstan.

Various religious congregations are present in the cities of Nur-Sultan, Almaty, Karaganda, Balkhash, Atyrau, Uralsk, and Shymkent. The Missionary Sisters of the Consolata, for example, have been present since 2020. There are also various religious movements present in Kazakhstan, such as Communion and Liberation, the Community of Blessed Vladislav Bukovinsky, and others.

International Organisations

The IOM and UNHCR are active in the territory. UNHCR in Kazakhstan provides legal assistance to refugees and asylum seekers through its partners as well as advisory support to the competent authorities to facilitate the implementation of the 1951 Geneva Convention. UNHCR partners provide medical and economic assistance to the most vulnerable refugees and asylum seekers and, together with the organisation, monitor the access of refugees and asylum seekers to national territory and support their full integration. UNHCR intervenes in cases of violations of the rights of asylum seekers, urging the competent authorities to ensure that no person is forcibly returned to their countries of origin where they are at risk, and that everyone has the right to a fair and transparent examination of their asylum claim in Kazakhstan. UNHCR's partners include the Kazakhstan International Bureau of Human Rights, which provides legal advice and assistance to

asylum seekers, refugees, and stateless persons, and the Kazakhstan Red Cross Society, which provides them with economic, medical, and social assistance.

Kazakhstan has signed the Global Compact on Safe, Orderly, and Regular Migration (GCM) and adopted several initiatives and measures to meet its 23 objectives and effectively manage migration processes.

In 2020 the IOM signed the Memorandum on Migration Cooperation in Kazakhstan. Within the framework of the Memorandum between the Academy of Public Administration of Kazakhstan and the IOM, research, preparation of education plans and training of civil servants on migration issues will be carried out. According to its Central Asia regional report, IOM assisted in the voluntary return of 18 vulnerable migrants from Kazakhstan to the Republic of Moldova in November 2020 during the COVID-19 pandemic.

Other organisations

In 2020 the United States' Agency for International Development-funded (USAID) Dignity and Rights Programme, which helped to combat human trafficking in Kazakhstan, came to an end. USAID has been present in Kazakhstan since 2001, and over the past five years the project had served more than 165,000 people through awareness-raising campaigns on human trafficking and migrants' rights. The programme trained 730 government officials, NGO representatives, and students on human rights and the fight against trafficking. With the help of its partners, it provided rehabilitation and reintegration to over 700 trafficked and vulnerable migrants. More than 1,000 people accessed services to protect their rights. The Dignity and Rights Programme also worked to create opportunities for civil society to participate in monitoring and promoting changes in national legislation on migrants' rights, including contributing to their implementation through national dialogues organised jointly with IOM and the Commission on Human Rights under the patronage of the President of the Republic of Kazakhstan.

Kazakhstan is a member of the Almaty Process. The Almaty Process is a regional advisory platform on refugee protection and international migration covering Central Asia. The need to create this regional dialogue emerged in 2010, and its practical implementation began in 2013 after a series of consultations and conferences. The main objectives of the Almaty Process include promoting dialogue on the challenges of international migration and refugee protection, developing mechanisms to monitor and address irregular migration, promoting a common understanding of the causes and consequences of displacement and migration, promoting comprehensive and adaptive policies for people on the move, and developing project-based actions to improve the capacity of states to manage migration and provide protection to refugees. Member States of the Process are Kazakhstan, Afghanistan, Azerbaijan, Kyrgyzstan, Tajikistan, Turkey, and Turkmenistan, while Observer States are Iran, Pakistan, and Uzbekistan. UNHCR and IOM provide administrative and technical support to the platform.

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