



MISSION PERMANENTE
DE LA RÉPUBLIQUE DU KAZAKHSTAN AUPRÈS DE
L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES
AYANT LEUR
SIÈGE A GENÈVE

№ 30-21/79

The Permanent Mission of the Republic of Kazakhstan to the United Nations office and other International Organizations in Geneva presents its compliments to the United Nations Human Rights Special Procedures and with reference to the latter's Note Verbale № UA KAZ 1/2025 dated February 25, 2025, has the honour to transmit the information of the Republic of Kazakhstan regarding the situation of Yemeni citizen Mr. Mohammed Ali Hussein Ali Al-Gubari.

Enclosure: as stated, 3 pages.

The Permanent Mission avails itself of this opportunity to renew to the UNHRSP the assurances of its highest consideration.

Geneva, April 25, 2025



**United Nations Human Rights
Special Procedures**

**Cc: United Nations Office of the
High Commissioner for Human Rights**

Geneva



Akan Rakhmetullin

*First Deputy Minister of Foreign Affairs
of the Republic of Kazakhstan*

Astana
25/04/2025

Your Excellences,

The Republic of Kazakhstan welcomes your joint communication № UA KAZ 1/2025 of 25 February 2025.

We commend your contribution to the protection of human rights around the world, and we are grateful for the opportunity to provide the response to your communication in the annex to this letter.

Please accept the assurances of my highest consideration.

Akan RAKHMETULLIN

Mr. Ben SAUL

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Mr. Gehad MADI

Special Rapporteur on the human rights of migrants

Ms. Ana Brian NOUGRÈRES

Special Rapporteur on the right to privacy

Translated from Russian

Reply of Kazakhstan to the joint communication from the special procedure mandate holders of the Human Rights Council

Ref.: No. UA KAZ 1/2025 (25 February 2025)

Resettlement in Kazakhstan

Mohammed Ali Hussein Ali Al-Gubari was accepted for resettlement in Kazakhstan in December 2014 under an agreement between the Governments of Kazakhstan and the United States of America.

Kazakhstan, in full compliance with its international obligations and national legislation, ensured that he was treated properly and humanely.

It should be noted that, over the course of more than a decade since Mr. Al-Gubari's arrival in Kazakhstan, the authorities have at no point attempted to forcibly remove or deport him, and have thereby consistently reaffirmed their commitment to the principles of humane treatment and respect for human rights.

However, Kazakhstan has not assumed any obligations to naturalize or grant permanent residence to this foreign national, nor does it have any obligations to provide him with material support.

Al-Gubari's situation in Kazakhstan

After his arrival in Kazakhstan, Mr. Al-Gubari lived in Kyzylorda Oblast. Subsequently, in 2024, he moved with his common-law spouse and daughter (who are citizens of Kazakhstan) to Karaganda Oblast.

Until December 2024, the International Committee of the Red Cross (ICRC) provided him with monthly financial support that was sufficient to ensure that he enjoyed an adequate standard of living. In December 2024, ICRC ended its programme of funding for Mr. Al-Gubari in connection with the reduction and optimization of its budget.

According to law enforcement authorities, police stations have no record that Mr. Al-Gubari was detained. Migration service and police officers simply conducted explanatory discussions with him in the context of spot checks that were carried out with the aim of identifying illegal aliens.

On 26 December 2024, police officers stopped a car driven by Al-Gubari that did not belong to him. The owner of the vehicle was not with the driver when he was stopped. At that time, Al-Gubari showed the police officers a driving license issued by the Yemen Club for Touring and Automobile that was dated 12 March 2024 and was valid for one year. As a result, the officers filed an administrative offence report and had the vehicle moved to the impoundment lot for 24 hours, but did not confiscate it.

Application for refugee status in Kazakhstan

Mr. Al-Gubari was able to have his passport renewed in August 2023. Doing so enabled him to apply for refugee status in Kazakhstan.

While his application was pending, Mr. Al-Gubari was issued with an asylum-seeker's certificate, which, among other things, enabled him to open a bank account, to work and to use social and health services.

Under the Refugees Act, the decision as to whether to grant refugee status is made by the local authorities within three months of the registration date of the refugee status application, provided that the person in question has undergone fingerprint registration. In

cases where further verification is required for a decision to be made, the final decision is deferred for a period not exceeding one year.

On 30 October 2023, the local authorities of Kyzylorda Oblast issued Mr. Al-Gubari with an asylum-seeker's certificate, the period of validity of which was subsequently extended until 25 April 2024.

In connection with the change of Mr. Al-Gubari's place of residence, his documents were sent to the Department for Coordination of Employment and Social Programmes of Karaganda Oblast, which, while his application for asylum in Kazakhstan was pending, extended the period of validity of his asylum-seeker's certificate several times and ultimately until 27 April 2025.

However, the refugee status commission decided to deny Mr. Al-Gubari refugee status on the following grounds:

(a) Mr. Al-Gubari did not flee Yemen, but arrived in Kazakhstan in a process of humanitarian resettlement from the United States;

(b) In his application, he did not provide valid reasons or evidence to support a fear of persecution on the grounds of race, citizenship, religion or ethnicity.

Nevertheless, Kazakhstan adheres strictly to the absolute principle of non-refoulement under international law and complies with its international obligations under the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees.

Allegations that Mohammed Ali Hussein Ali Al-Gubari has been threatened with forcible expulsion from Kazakhstan are untrue.
