

**Rules and conditions  
for issuance of permits to foreign employee for employment and employers for attraction of  
foreign labor force**  
*(with amendments as of 25.04.2015)*

**1. General provisions**

1. These Rules and conditions for issuance of permits to foreign employee for employment and employers for attraction of foreign labor force (the Rules) have been developed in compliance with the Law of the Republic of Kazakhstan dated January 23, 2001 «On population employment» and the Law of the Republic of Kazakhstan dated June 22, 2011 «On population migration».

Rules shall define the procedures and conditions for issuance of permits to foreign employee for employment and employers for attraction of foreign labor force.

2. Attraction of foreign labor force is implemented under the quota determined by the Government of the Republic of Kazakhstan.

3. These Rules apply the following basic notions:

1) business immigrant – immigrant arrived to carry out entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan;

2) vacancy – vacant job place (position) at the employer;

3) authorized body on labor – state body of the Republic of Kazakhstan, implementing realization of state policy in labor relations in compliance with the legislation of the Republic of Kazakhstan;

4) employer – person or legal entity with which an employer has labor relations;

5) program on increase of local content in personnel – a set of measures planned and implemented by the employer that has a contract under production sharing agreement concluded with the competent body or the Government of the Republic of Kazakhstan, and approved by the competent body and authorized body on labor, including professional education, retraining or advanced training of its employees – citizens of the Republic of Kazakhstan conducted to sustainable increase of local content in personnel for this specific employer;

6) guarantee deposit – money deposit securing the guarantee of foreign or seasonal foreign employee's leave the borders of the Republic of Kazakhstan upon termination of permit for attraction of foreign labor force;

7) corporate transfer – temporary transfer of a foreigner or stateless individual pursuant to the letter and (or) agreement on corporate transfer from foreign legal entity to implement works or provision of services to a branch, subsidiary, representative office or affiliated party of such foreign legal entity that are incorporated on the territory of the Republic of Kazakhstan;

8) immigrant – foreigner or stateless individual arrived to the Republic of Kazakhstan for temporary or permanent residence;

9) competent body – central executive body implementing on behalf of the Republic of Kazakhstan the realization of rights connected with execution and delivery of contracts for exploration, production and joint exploration and production, except for contracts for exploration and production of widespread mineral resources, defined by the Government of the Republic of Kazakhstan, unless otherwise established by the laws of the Republic of Kazakhstan and decrees of the President of the Republic of Kazakhstan;

10) personnel listed amount – number of persons accepted under agreements independently from the term of their execution, except for persons implementing works of civil nature, as well as employees concluded labor agreements on combined work with one employer;

11) seasonal foreign employee – immigrant attracted for work by an employer for implementation of seasonal works that due to climate or other natural conditions are to be implemented during a certain period (season), but not longer than for one year;

11-1) who work in the autonomous cluster fund of special economic zone "Park of innovative technologies" on the positions of managers and specialists with higher education;

12) list of persons for self-employment – list of professions (specializations), according to the **Appendix 1** to these Rules for self-employment of foreign employees in the Republic of Kazakhstan;

13) authorized body – structural division of local executive bodies of oblasts, Astana and Almaty cities providing facilitation of population's employment and social protection from unemployment on regional level;

14) foreign labor force – foreigners and stateless individuals attracted by an employer for execution of labor activity on the territory of the Republic of Kazakhstan, including seasonal foreign workers, self-employed persons and employees temporary transferred under corporate transfer;

15) permit for attraction of foreign labor force – document of standard form according to the **Appendix 2** to these Rules issued by local executive body to employer for attraction to the Republic of Kazakhstan of foreign labor force within quota allocated by the authorized body on labor;

16) permit to foreign employee for employment – document of standard form in accordance with the **Appendix 3** to these Rules issued by the local executive body to the foreign employee included into the list of persons for self-employment of foreign employees in the Republic of Kazakhstan;

17) authorized body on population migration issues – state body executing within its competences regulation of migration processes and coordination of works in population migration;

18) the quota for attracting foreign labor force - the number of foreign workers engaged for carrying out labor activity within the territory of the Republic of Kazakhstan;

19) foreign legal entity's affiliated person – legal entity incorporated on the territory of the Republic of Kazakhstan, part of shares of which directly or indirectly belongs to these foreign legal entity;

20) foreign employee – immigrant arrived or attracted by the employer for execution of labor activity on the territory of the Republic of Kazakhstan;

21) country of origin – country of origin of a foreigner executing labor activity in the Republic of Kazakhstan in compliance with the legislation of the Republic of Kazakhstan.

4. Validity of these Rules shall not apply to foreigners and stateless individuals:

1) that are not immigrants pursuant to the **Law** of the Republic of Kazakhstan dated July 22, 2011 «On population migration » (the Law) except for persons staying on the territory of the Republic of Kazakhstan for not more than ninety calendar days for purposes stipulated under the **Article 3** of the Law;

2) permanently residing in the Republic of Kazakhstan;

3) repatriates;

4) business immigrants;

5) those obtained refugees status or persons seeking for an asylum;

6) immigrants arrived with humanitarian purposes in accordance with the **Law** of the Republic of Kazakhstan dated July 22, 2011 «On population migration »;

7) sentences under judgments of the courts of the Republic of Kazakhstan for derivation of liberty, conditionally, to punishments not connected with isolation from society;

8) that are not victims of human trafficking during certain criminal proceedings connected with human trafficking, until the court judgment enters into legal force;

9) those who enter to the Republic of Kazakhstan for family reunification, reaching full legal age, being spouse of a citizen of the Republic of Kazakhstan and who for at least three years are in marriage recognized by the legislation of the Republic of Kazakhstan;

10) studying full time and simultaneously working in educational institutions of the Republic of Kazakhstan during their free time;

11) who are in official secondment for business purposes, the term of which does not exceed in total one hundred calendar days in one calendar year.

5. These Rules shall not apply to foreign employees:

1) that are citizens of member states of the **Agreement** on legal status of working migrants and their family members dated November 19, 2010;

2) working as first executives of branches and representative offices of foreign legal entities;

3) working as first executives of organizations concluded contracts with the Government of the Republic of Kazakhstan for amount of investments equivalent to 50 million US Dollars, and first executives of legal entities of the Republic of Kazakhstan executing investment activity in priority types of activity and concluded contract with the authorized body on investments;

4) that are members of sea and river crafts, air, railway and automobile transport crew;

5) working as actors, directors, conductors, choirmasters, ballet-masters, artists, tutors, sportsmen and coaches;

6) working in regional financial center of Almaty City on executive positions and specialists with higher secondary and higher education with documents certified under the prescribed procedures in compliance with the legislation of the Republic of Kazakhstan;

7) specialists on creation of space missile system and exploitation of ground space infrastructure facilities, attracted under international agreements of the Republic of Kazakhstan on cooperation in aerospace activity;

8) working in national managing holding, «National medical holding» Joint Stock Company and medical organizations with hundred-percent participation of the «National medical holding» Joint Stock Company in their authorized capitals on positions not lower than heads of structural divisions with higher education degree and documents certified under the prescribed procedures in compliance with the legislation of the Republic of Kazakhstan;

9) attracted for work as members of board of directors (supervisory board) of the national managing holding, «National medical holding» Joint Stock Company and medical organizations with hundred percent participation of the «National medical holding» JSC in their authorized capitals;

10) executing medical and consulting activity in the «National medical holding» JSC and medical organizations with hundred percent participation of the «National medical holding» JSC in their authorized capitals;

11) working in autonomous educational organizations, their subsidiaries, as well as in «Nazarbayev Fund» on executive positions and specialists with higher education;

12) seconded to autonomous educational organizations under agreements on integration and realization of educational programs and (or) provisions of educational services;

13) those working as managers and teachers with higher education with the confirmed documents following the procedure, established by the legislation of the Republic of Kazakhstan, in institutions of higher learning, the development of which is provided by documents of the System of state planning of the Republic of Kazakhstan in the field of industrial and innovative development;

14) executing teaching activities under international agreement of the Republic of Kazakhstan on cooperation in education in organizations of secondary, technical and professional, higher secondary and higher education in the Republic of Kazakhstan, but comprising not more than 25 percent, and realizing international integrating educational study programs for not more than 50 percent of the organization's personnel;

15) among faculty of the higher educational institutions that according to the legislation of the Republic of Kazakhstan acquired special status;

16) working in regional ecological center in the Central Asia, executing its activity on the basis of the **Agreement** on working conditions of regional ecological center in the Central Asia;

17) those employed by legal entities of the Republic of Kazakhstan that signed investment contracts for the implementation of priority investment projects in accordance with the laws of the Republic of Kazakhstan on investments, as well as those employed by organizations involved by the listed entities (or their contractors) as a general contractor, contractor, subcontractor, or executor of services in the field of architecture, urban planning and construction activities (including survey and design activities, engineering services) for the term until the end of one year after the investment facility was put into service, as managers and specialists with higher education, as well as skilled workers according to the list of occupations and the number defined in investment contracts for implementation of a priority investment project.

In case of attraction of foreign labor force in accordance with this clause, the employer or a person authorized by it shall provide information to the authorized body under the form pursuant to the **Appendix 4** to these Rules.

## **2. Procedures and conditions for issuance of employment permit to foreign employee and employers for attraction of foreign labor force**

### **Conditions and procedures for issuance and extension of permits for attraction of foreign labor force**

6. To define the conditions and procedures for issuance and extension of permits the following criteria shall be established in relation to employees:

1) first category – first executives and their deputies;

2) second category – heads of structural divisions complying with qualification requirements established under the qualifications reference for executives, specialists and other officers, model job descriptions for executives, specialists and other officers of organizations;

3) third category – specialists complying with qualification requirements established under the qualifications reference for executives, specialists and other officers, model job descriptions for executives, specialists and other officers of organizations;

4) fourth category – qualified workers complying with the qualification requirements established by the Unified tariffs and qualifications reference for works and working professions, tariffs and qualification job descriptions of working professions.

7. Number of valid, previously issued and issuing permits on the territory of the respective administrative-territorial unit shall not exceed the amount of the quota allocated for corresponding calendar year.

8. Issuance by competent body of the permits to employers for attractions of foreign labor force shall be implemented under the following correlations:

1) from the first of January 2012, the number of citizens of the Republic of Kazakhstan shall be at least 70% in the listed personnel amount attributed to the first and second categories;

2) From the first of January 2012, the number of citizens of the Republic of Kazakhstan shall be at least 90% of the listed personnel amount attributed to the third and fourth categories.

Information on the local content in personnel shall be provided by an employer to the authorized body in the form according to the **Appendix 5** of these Rules.

This clause shall not apply to:

1) small entrepreneurship subjects;

2) state organizations and enterprises;

3) permits issued under the quotas for priority projects and countries of origin to the territory of the special economic zone, as well as for employment of foreign employee;

4) representative offices of foreign legal entities.

This clause shall remain in effect until the entry of the Republic of Kazakhstan to the World Trade Organization.

9. In respect of subsoil users of Karachaganak, North Caspian and Tengiz projects, as well as of their operators, contractors and subcontractors (except for the organizations involved by subcontractors), paragraph 8 of these Regulations shall not apply until January 1, 2017 subject to the availability of the program to increase local content in personnel and one of the following documents confirming their participation in these projects:

- 1) notarized statement (copy) of the subsoil use contract;
- 2) notarized statement (copy) of the joint venture agreement;
- 3) notarized statement (copy) of the Service Agreement.

10. To obtain permit for attraction of foreign labor force, the employer or its authorized person through the «State database «E-licensing» information system or in hard copy shall provide the authorized body upon the foreign labor force employment place an application pursuant to the **Appendix 6** to these Rules along with the documents according to the **Appendix 7** to these Rules.

11. When a submission is incomplete, and (or) incorrect filling-on of the documents stipulated under the **clauses 10, 16, 30, 34, 36, 41 and 45** of these Rules, the authorized body within five business days of their receipt shall refuse to issue, extend the term of permits and return the documents to the employer indicating the missing documents and (or) documents not completed under the prescribed form.

12. The Authorized body shall issue a permit to attract foreign labor force within the quota allocated by the authorized body for labor in case if satisfaction of the demand for labor by the domestic labor market is impossible.

13. Search for appropriate candidates on the domestic labor market by the employer shall be implemented by sending information about the vacant job places (vacant positions) to the authorized body upon the foreign labor force employment place in compliance with the **Law** of the Republic of Kazakhstan dated January 23, 2001 «On Employment».

Authorized body shall accept the employer's applications for issuance of permit to attract foreign labor force not earlier than after fifteen calendar days from the date the information on availability of vacant job places (vacant positions) was submitted.

This clause shall not apply to the employers attracting foreign labor force to the territory of the special economic zone, as well as of ethnic Kazakhs and former compatriots.

14. In case if a foreign legal entity, the employer, is carrying out its activities in the Republic of Kazakhstan without incorporation of a branch or representative office; sends its employees to the Republic of Kazakhstan under the service contract, the preparation of documents connected with obtaining of permit, shall be executed by a legal entity (including a foreign legal entity that conducts its activity in the Republic of Kazakhstan through a branch or representative office) for the benefit of which the works and services are to be rendered.

15. Special conditions for issuance or extension of permits to attract foreign labor force stipulate the following requirements:

- 1) professional training of the citizens of the Republic of Kazakhstan for specializations of technical and professional education, demanded on the regional labor market, according the list approved by the authorized body;
- 2) retraining of citizens of the Republic of Kazakhstan for specializations of technical and professional education, demanded on the regional labor market, according the list approved by the authorized body;
- 3) advanced training for the citizens of the Republic of Kazakhstan;
- 4) creation of additional working places for the citizens of the Republic of Kazakhstan.

16. To attract foreign employee:

Under the first category – the employer shall choose one or several conditions stipulated by the **subclauses 3), 4) of the clause 15** under these Rules;

Under the second and third categories – the employer shall choose one or several conditions stipulated by the subclauses 2), 3), 4) of the clause 15 under these Rules;

Under the fourth category – the employer shall choose one or several conditions stipulated by the subclauses 1), 4) of the clause 15 under these Rules.

Special conditions shall apply depending on the category of the attracted foreign labor force.

Negotiation with the employer of special conditions for issuance of permits shall be implemented in compliance with the **Appendix 8** to these Rules.

Amount of citizens of the Republic of Kazakhstan who are subject to professional training and (or) retraining and (or) advance training and (or) amount of additional working places to be created shall correspond to the number of the issued permits for attraction of foreign labor force.

17. Fulfillment of special conditions of permits to attract foreign labor force stipulated by: **subclauses 2), 3), 4) of the clause 15** of these Rules shall be implemented during the term of the permit;

**subclause 1) of the clause 15** of these Rules shall be started within the term of the permit.

18. No special conditions provided for extension of permits for attraction of foreign labor force, as well as obtaining or extending permits for attraction of foreign labor force:

1) among foreign employees:

working on occupations or specializations not included into the **State Classifier** of the Republic of Kazakhstan 05-2008 «Classifier of occupations and specializations of technical and professional education, higher secondary education»;

who are ethnic Kazakhs or former compatriots;

2) among employers:

implementing programs on increase of local content in personnel and having commitments to hire and train the citizens of the Republic of Kazakhstan and on the reduction of foreign staff;

participating in the realization of projects included into the list of **Industrialization map** of Kazakhstan for 2010-2014, including contractors implementing works on commissioning, assembly and installation of technological equipment;

involved in the realization of «Productivity 2020» **Program**, received positive decision on provision of government support in attracting highly qualified foreign specialists;

attracting foreign labor force under the quota for priority projects and countries of origin;

attracting foreign labor force to the representative offices of foreign legal entities;

government agencies or state-owned enterprises of the Republic of Kazakhstan.

19. Permits for attraction of foreign labor force are issued for the term of:

1) twelve months - for the second and the third category, with the extension for twelve months, not more than two times;

2) twelve months - for the fourth category and seasonal foreign employees, non-extendable

20. Permit for attraction of foreign labor force of the first category shall be issued to employers, except for small entrepreneurship subjects, for a term up to three years.

Permit validity extensions to employers for attraction of foreign labor force on the first category is implemented annually for a period of twelve months.

Permits for attraction of foreign labor force on the first category to employer who are small entrepreneurship subjects is issued for a period of twelve months, with the extension for not more than two times.

21. Permit for attraction of foreign labor force under the quota for priority project is issued to employers for the whole period of its implementation.

22. Decision to issue or to refuse to issue a permit for attraction of foreign labor force shall be made by authorized body upon recommendation of the Commission on issuance of permits for attraction of foreign labor force (hereinafter the Commission), formed by the authorized body within fifteen business days from the date of the employer's documents receipt.

23. Commission shall mandatory include representatives of the territorial divisions of the authorized bodies on migration, education, and the authorized body on labor.

24. Employer's representatives may participate at the Commission's a meeting. Authorized body shall place information on the date, time and place of the Commission's meeting on its official web-site not later than in three business days prior to the meeting date.

25. Authorized body through the information system of the «State database «E-licensing» or in written shall notify the employer on the decision to issue or to refuse to issue, extension or refusal to extend a permit to attract foreign labor force within three business days from the date of its adoption.

26. In case of a decision to refuse to issue or refuse to renew a permit to hire foreign labor force, the authorized body shall indicate its justifications in accordance with the **clause 38** of these Rules.

27. Employer, after receiving a notice on issuance of permit to hire foreign labor force through the «State Database «E-licensing» information system, or in hard copy, shall provide the authorized body within twenty business days the documents guaranteeing departure of foreign labor force from the Republic of Kazakhstan, upon the expiry of the permit (copy of the contract between the bank and the employer and the document confirming the payment of guarantee fees to the bank account of the employer).

28. Authorized body through the «State Database «E-licensing» information system, or in hard copy, shall give permit to the employer within three business days after receipt of copies of the documents referred to in the **clause 27** these Rules.

In case of the employer's failure to receive within three business days the permit, the authorized body shall send the permit to the employer's registration address by mail with notification of receipt from the postal delivery.

29. Permit issued by the authorized body is not transferable to other employers, valid only on the territory of the appropriate administrative-territorial unit, except for the cases provided in the **clauses 30 - 31** of these Rules as well as sending by the employer of its foreign employees for which permits are obtained for business trips to the organization's enterprises located on the territory of other administrative-territorial units, for a period not exceeding sixty days in a calendar year.

30. To allow foreign employees to perform functional responsibilities on the territory of several administrative-territorial units for more than sixty days in a calendar year, the authorized body at the employer's request and in coordination with the authorized body on labor shall issue or extend the permit for attraction of foreign labor force for execution of business activity in two or more administrative-territorial units.

For obtaining approval for the issuance or extension of a permit with validity territory of two or more administrative-territorial units, the authorized body during the employer's documents preliminary consideration period shall send to the authorized body on labor a written justification for the issuance or extension of a permit attaching agreement, employer's contract for implementation of works and services on the territory of other administrative-territorial units.

The authorized body on labor shall send the authorized body a letter of approval or refuse in approval within seven business days after receipt of justification to issue or extend the permit validity in two or more administrative-territorial units.

31. Authorized body on labor refuses to approve the issuance of permit for attraction of foreign labor force to execute business activity in two or more administrative-territorial units in incase of absence in the employer's agreements and contracts for implementation of works and services of any reference on extension of the contract to the territory of other administrative-territorial units.

32. Decision on extension or refuse to extend the permit for attraction of foreign labor force with the valid territory for two or more administrative-territorial units shall be made by the authorized body within five business days after receipt of the authorized labor body's a letter on approval or refuse to approve it.

33. In case the employer with a permit for valid territory within one administrative territorial unit requests to extend it to two or more administrative territorial unit, the authorized body shall

renew the permit earlier issued within five business days upon the receipt of the letter of authorized body on labor with its approval.

Permit initially issued is to be returned to the authorized body.

34. Renewal of the permit issued for another foreign employee is allowed in the case if foreign employee for which the permit for attraction of foreign labor force has been issued fails to arrive to the workplace, or in case of termination of his employment contract before the expiry of the permit for attraction of foreign labor force, with assignment of a new number provided compliance with the qualification requirements established for the profession for the remaining period before the initial permit expiry, under the procedures stipulated under these Rules.

In this case, employer shall submit the documents stipulated under these Rules. Initially issued permit shall be returned to the authorized body.

35. Decision on renewal of the earlier issued permit for attraction of foreign labor force for another foreign employer is accepted by the authorized body within five business days from the date of the documents acceptance.

36. To extend validity period of the permit for attraction of foreign labor force through the «State database «E-licensing» information system, or in hard copy, the following documents shall be sent to the authorized body not later than in twenty business days before the expiry of the permit validity:

- 1) application;
- 2) information on implementation of special conditions for permits issued for the previous and current calendar years, the term of execution of which is expiring (if available);
- 3) information on local content in personnel;
- 4) justification for extension of the permits validity period;
- 5) notarized scan copy of the permit.

37. The authorized body based on the documents submitted within five business days from the date of the documents acceptance shall make a decision on extension of permit for attraction of foreign labor force or refuse to extend it.

In the case of the authorized body's positive decision, the permit for attraction of foreign labor force shall be extended for twelve months, and the permit validity period shall start at the date of the previously issued permit expiry.

37-1. Authorized body shall send the employer a permit through the «State database «E-licensing» information system, or a notice on extension of the permit in writing, within three business days from the date of the decision on extension of the permit for attraction of foreign labor force.

In the case if employer fails to come for the permit within three business days after receipt of written notice on the permit extension, the authorized body shall send the permit to the employer's registration address by mail with receipt of notice on postal delivery.

38. Permit for attraction of foreign labor force shall not be issued and extended in the following cases:

- 1) excess of allocated quota amount;
- 2) employer's failure to observe conditions established by the **clause 8** of these Rules;
- 3) proof of the fact when employer attracts foreign employees without permits. In such case new permits shall not be issued for twelve month from the date of such fact determination;
- 4) failure to observe special conditions of permits issued for the previous and current calendar years, the term for implementation of which is expiring (if applicable);
- 5) inconsistency of education ( professional training) level and experience (work experience) of practical work of foreign labor force with qualification requirements for the professions of workers and executives, specialists and employees, in accordance with the Unified tariff and qualification reference of works and occupations of workers and **Qualification reference for executives, specialists and other officials**.

39. Authorized body shall recall valid permit for attraction of foreign labor force in the following cases:



1) attraction of foreign employee for profession or occupation not matching the relevant profession or occupation specified in the permit. In this case, the employer shall not receive a permit on the profession or occupation specified in the recalled permit for a period of six months from the date of recall;

2) failure by the employer to observe conditions established under the **clause 8** of these Rules;

3) failure by the employer to fulfill special conditions of permits issued for the previous and the current calendar year, the period for implementation of which is expiring (if applicable).

40. Permit to attract foreign labor force shall be terminated in the following cases:

1) expiry of the validity period;

2) recall of a permit;

3) termination of activity of a person – employer, liquidation of legal entity - employer;

4) in the cases stipulated under the **clauses 32, 34** of these Rules;

5) voluntary return of permit to the authorized body;

6) failure by the employer to provide within the terms stipulated by the **clause 27** of these Rules, documents that guarantee departure of foreign labor force from the Republic of Kazakhstan.

41. To obtain a permit to attract foreign labor force under the corporate transfer, a representative of the legal entity for which the works and services are to be rendered, through the "State database "E-licensing" information system, or in hard copy, shall submit an application to the authorized body attaching the documents according to the **Appendix 9** to these Rules.

42. Filing of a permit to attract foreign labor force under the corporate translation shall be executed by the legal entity for which the work and services are to be rendered, and it already executes fulfillment of special conditions for issuance of permits for attraction of foreign labor force.

43. No documents guaranteeing the departure of foreign labor force from the Republic of Kazakhstan are submitted to the authorized body in case of attracting foreign labor force under the corporate transfer.

44. Permits for attraction of foreign labor force under the corporate transfer shall be issued for a period of transfer specified in the letter and (or) agreement on corporate transfer, but not exceeding three years.

Extension of validity for permit to attract foreign labor force under the corporate transfer shall be executed one time for a period not more than one business year.

44-1. Authorized body within three business days after the employer's receipt of a notice on issuance of permit for attraction of foreign labor force under the corporate transfer, through the "State database "E-licensing" information system, or in hard copy, shall issue (send) a permit to the employer.

In the case of the employer's failure to come for a permit within three business days after receipt of written notice on issuance of permit for attraction of foreign labor force under the corporate transfer, the authorized body shall send the permit to the employer's registration address by mail with receipt of notice on the postal delivery.

45. Renewal of the permit previously issued for another foreign employee is allowed in the case of departure of that foreign employee transferred under a corporate transfer before the expiry of the permit, with assignment of a new number provided appropriate letter and/or agreement of a foreign legal entity on corporate transfer for a term remaining until the expiry of the initial permit, following the procedures stipulated under these Rules.

46. Conditions for issuance of permits for attraction of foreign labor force under each priority project are established by the Government of the Republic of Kazakhstan.

Permits for attraction of foreign labor force under priority project are issued by the authorized body of particular administrative-territorial unit on the territory of which priority project is implemented.

## **Conditions and procedures for issuance and extension of permits to foreign employee for employment**

47. Foreign employees included into the list of persons for self-employment in the Republic of Kazakhstan shall receive or extend their employment permits from the authorized body within the quota allocated by the authorized body on labor, for a period of up to three years.

48. Permit given to a foreign employee for employment is valid on the territory of one administrative-territorial unit.

49. To obtain or extend the employment permit, a foreign employee shall submit to the authorized body upon the business activity execution place an application pursuant to the **Appendix 10** to these Rules attaching the documents pursuant to the **Appendix 11** to these Rules.

50. No special conditions are stipulated in case of issuance or extension by the authorized body of employment permit for a foreign employee.

51. Decision on issuance or extension, or refuse to issue or extend the employment permits to foreign employee shall be made by the authorized body within five business days from the date of the documents receipt.

52. Authorized body shall in written notify the foreign employee on the decision taken within three business days from the date of its execution.

53. Foreign employee after receipt of a notice shall provide the authorized body within twenty business days the documents guaranteeing his departure from the Republic of Kazakhstan upon the permit expiry (copy of the agreement between the bank and the employee, and the document confirming the payment of guarantee fees to the bank account of a foreign employee).

54. Authorized body shall issue to a foreign employee the employment permit within three business days upon the receipt of copies of documents referred to in the **clause 53** of these Rules.

In case of the foreign employee's failure to receive the employment permit within three business days, the authorized body shall send the employment permit for a foreign employee's registration address by mail with receipt of notice on the postal delivery.

55. In case of change of the employer during the employment permit validity period, the foreign employee must notify the authorized body in written within ten business days from the date of a new labor contract execution.

56. Permit to a foreign employee for employment shall not be issued in the following cases:

1) absence of the declared profession or occupation in the list of professions (occupations) for self-employment of foreign employees in the Republic of Kazakhstan;  
2) excess of the allocated quota amount.

57. Employment permits to foreign employee shall be terminated in the following cases:

1) expiry of the validity period;  
2) recall of permit;  
3) voluntary return of permit by foreign employee to the authorized body;  
4) failure by the foreign employer to provide within the terms stipulated by the **clause 53** of these Rules documents that guarantee his departure from the Republic of Kazakhstan.

58. Extension of validity period of the employment permit to a foreign employee shall be executed for up to two times for a total period not exceeding five years.

59. Extension of the term of employment permit issued to a foreign employee may be not executed in case if the allocated quota is exceeded, as well as in the event of the employer's change without notification of the authorized body in compliance with the **clause 55** of these Rules.

60. In case if a foreign employee carries out business activity on the profession or occupation other than the specified in the employment permit, as well as in case of change of employer without notification of the authorized body in compliance with the clause 55 of these

Rules, the authorized body shall recall the employment permit and notify the foreign employee in written in ten business days.

In this case, employment permit shall not be issued to the foreign employee during twelve months from the date of withdrawal.

61. Payment of guarantee fee is executed in the procedures established by the Government of the Republic of Kazakhstan.

### 3. Concluding provisions

62. In case of disagreement with the decision of the authorized body, employer or foreign employee may appeal to the court.

63. Authorized body on labor shall place on its official web-site the database of legal entities and persons admitted violations of these Rules.

64. In case of loss or damage of the original permit, permit substitution shall be implemented by issuance of a duplicate by the authorized body.

Lost, damaged forms of permits shall be deemed void from the date of the employer's or foreign employee's application to the authorized body on issuance of the permit duplicate with indication of circumstances caused the loss or damage of the permit.

Authorized body within three business days from the date of the application receipt shall issue the appropriate permit duplicate with assignment of a new number and affixing a «Duplicate» mark.

65. Re-issuance of the previously issued employment permit is allowed in case of a change of the last name, first name, patronymic, and series of personal identity document of a foreign employee.

Foreign employee within ten calendar days from the date of a change of the last name, first name, patronymic, and series of personal identity document, shall submit an application to the authorized body on re-registration of the permit and attach copies of documents confirming the above mentioned information.

Authorized body within three business days from the date of the application submission shall re-register the permit assigning a new number.

66. Renewal of the previously issued permit is allowed in case of reorganization of the employer's – legal entity of the Republic of Kazakhstan or branch (representative office) of a foreign legal entity in the form of a merger, consolidation, spin-off or reorganization, and in the event of a change of its name or banking details set forth in the permit for attraction of foreign labor force.

Employer within ten calendar days from the date of the reorganization applies to the authorized body for the permit renewal attaching in addition copies of the documents confirming the above mentioned information.

Authorized body within five business days from the date of the application shall re-register the permit by assigning a new number.

67. Employers who have received permits to attract foreign labor force or who is employing foreign staff and has obtained employment permit shall provide institutional statistic reports to the authorized body following the procedures and terms established by the legislation of the Republic of Kazakhstan.

68. Authorized body on a monthly basis shall provide to the authorized body a labor report on attraction of foreign labor force and employment of foreign employees in the **form** established by the authorized body on labor.

Appendix 1  
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for attraction of foreign labor force

**List  
of professions (occupations) for self-employment of foreign employees in the Republic of  
Kazakhstan**

№	Name of professions (occupations)
1	2
1.	Anthropologist
2.	System architect
3.	Astronaut
4.	Ballet-dancer
5.	Drama, lyric and drama soprano
6.	Drama, lyric and drama tenor
7.	Audio and video editing engineer
8.	Engineer on film stock development
9.	Engineer on marine equipment management systems
10.	Engineer on marine pipelines construction
11.	Engineer controller on technical maintenance, repair and aviation machinery diagnostics
12.	Climatologist
13.	Museum specialist
14.	Production programmer (Computer Science), (Software Design Engineer)
15.	Instructors of higher educational institutions with degree
16.	Radio- Astronaut
17.	Specialist in information technology and electronics
18.	Specialist in electric equipment and electronic engineering
19.	Specialist in animation and computer graphics
20.	Specialist in ballistic equipment of space machines
21.	Specialist in board systems of space machines
22.	Specialist in flight safety
23.	Specialist in stage requisites manufacturing
24.	Specialist in computer special effects
25.	Specialist in control over aviation standards and publications
26.	Specialist in marine pipelines
27.	Specialist in aircraft passenger compartment equipment
28.	Specialist in flights organization
29.	Specialist in technical education and standards
30.	Supervisor on marine facilities

Appendix 7  
to the **Rules** and conditions  
for the issuance of employment permits  
to foreign employee and employers

### **Documents submitted to obtain permit for attraction of foreign labor force**

1. Information on fulfillment of special conditions of permits issued for the previous and current calendar years, the implementation term of which is due (if applicable).

2. Information on the foreign employees to be hire with indication of the last, first name and patronymic (including in Latin letters), date of birth, nationality, number, date and issuing authority for the passport (personal identification document), country of residence, country of origin, education, specialization, qualification (position) in accordance with the Qualification reference of executive, specialists and other officers applied in the Republic of Kazakhstan, typical qualification characteristics for executives, specialists and other officers, the **Unified tariff qualification reference of works and occupations of workers**, tariff and qualification job descriptions of workers and the **State Classifier** of the Republic of Kazakhstan 01-99 «Occupations classifier», approved by the central executive body.

3. Documents for the foreign employees to be hired that certify their qualification:

1) notarized translations (copies if the document is filled in the state or Russian language) of education documents, in scan, and legalized in accordance with the legislation of the Republic of Kazakhstan, except as provided by the international treaties of the Republic of Kazakhstan in force;

2) information on the employee's labor activity (if qualification requirements are applied for job experience on the relevant occupation) with attachment of the scanned written confirmation of employment on the official letterhead the employer who previously an employee worked with, or any other supporting documents recognized in the Republic of Kazakhstan.

4. Notarized copy (with translation into the state or Russian language) of the labor agreement between the foreign employer and foreign employees to be hired (in case of the foreign employee attraction in accordance with the **clause 14** hereunder) in scan.

5. Notarized copy (with translation into the state or Russian language) of the contract for implementation of works and provision of services in scan (in case of the foreign employee attraction in accordance with the **clause 14** hereunder).

6. Information on local content in personnel.

7. Notarized copy (with translation into the state or Russian language) of an agreement, contract of the employer for implementation of works and provision of services on the territory of other territorial-administrative units in scan (in case of the foreign employee attraction in accordance with the **clause 30** hereunder).

8. Approval of special conditions for issuance of permit in the established form.

No documents required in cases stipulated under:

1) clause 1 of this Appendix, in cases provided by the **clause 18** of these Rules;

2) clauses 1, 3, 4, 5, 6, 7 and 8 of this Appendix, in case of seasonal foreign employees attraction.

Appendix 9  
to the **Rules** and conditions  
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to foreign employee and employers  
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### **Documents submitted to obtain permit for attraction of foreign labor force under the corporate transfer**

1. Notarized translation (into the state and Russian language) of a letter and (or) agreement of a foreign legal entity on corporate transfer with indication of the transfer terms, occupations or professions, last name, first name, patronymic of the transferred employees in accordance with the data specified in the passport or personal identification document in scan.

2. Information on fulfillment of specific conditions of permits issued for the previous and current calendar years, the term for implementation of which is due (if applicable).

3. Information on the foreign employees to be hire with indication of the last, first name and patronymic (including in Latin letters), date of birth, nationality, number, date and issuing authority for the passport (personal identification document), country of residence, country of origin, education, specialization, qualification (position) in accordance with the the Qualification reference of executive, specialists and other officers applied in the Republic of Kazakhstan, typical qualification characteristics for executives, specialists and other officers, the **Unified tariff qualification reference of works and occupations of workers**, tariff and qualification job descriptions of workers and the **State Classifier** of the Republic of Kazakhstan 01-99 «Occupations classifier», approved by the central executive body.

4. Documents for the foreign employees to be hired that certify their qualification:

1) notarized translations (copies if the document is filled in the state or Russian language) of education documents, in scan, and legalized in accordance with the legislation of the Republic of Kazakhstan, except as provided by the international treaties of the Republic of Kazakhstan in force;

2) information on the employee's labor activity (if qualification requirements are applied for job experience on the relevant occupation) with attachment of the scanned written confirmation of employment on the official letterhead the employer who previously an employee worked with, or any other supporting documents recognized in the Republic of Kazakhstan.

5. Information on local content in personnel.

6. Approval of special conditions for issuance of permit in the established form.

No documents stipulated by the clause 2 of this Appendix are required in cases provided in the **clause 18** of these Rules.

Appendix 11  
to the **Rules** and conditions  
for issuance of employment permits  
to foreign employee and employers  
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### **Documents submitted by foreign employee for obtaining employment permit**

1. Information on the foreign employees to be hire with indication of the last, first name and patronymic (including in Latin letters), date of birth, nationality, number, date and issuing authority for the passport (personal identification document), country of residence, country of origin, education, specialization, qualification (position) in accordance with the Qualification reference of executive, specialists and other officers applied in the Republic of Kazakhstan, typical qualification characteristics for executives, specialists and other officers, the **Unified tariff qualification reference of works and occupations of workers**, tariff and qualification job descriptions of workers and the **State Classifier** of the Republic of Kazakhstan 01-99 «Occupations classifier», approved by the central executive body.

2. Foreign employee documents certifying his qualification:

1) notarized translations (copies if the document is filled in the state or Russian language) of education documents duly legalized in compliance with the legislation of the Republic of Kazakhstan, except as provided by the international treaties of the Republic of Kazakhstan in force;

2) information on the employee's labor activity (if qualification requirements are applied for job experience on the relevant occupation) with attachment of written confirmation of employment on the official letterhead the employer who previously an employee worked with, or any other supporting documents recognized in the Republic of Kazakhstan.