



## Migration requirements for business start-up and recruitment in Kazakhstan

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# 1. MIGRATION REQUIREMENTS FOR FOUNDERS



Business immigrants - immigrants who arrived for the purpose of entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan.

A business immigrant for entry into the territory of Kazakhstan is obliged to issue a visa of category C5. Business immigrants to obtain a visa for entry must:

1. be of legal age;
2. present a medical certificate confirming the absence of diseases that prevent labor activity;
3. have medical insurance;
4. present a document confirming the presence or absence of a criminal record issued by an authorized body of the country of citizenship or permanent residence;
5. to present a document confirming the presence or absence of a ban on entrepreneurial activity on the basis of a court decision, issued by an authorized body of the country of citizenship or permanent residence, if the issuance of such a certificate is provided for by the legislation of a foreign state.

# 1. MIGRATION REQUIREMENTS FOR FOUNDERS



A business immigrant within two months from the date of entry into the territory of the Republic of Kazakhstan shall:

1. register a commercial organization in the Republic of Kazakhstan or join participants (shareholders) of commercial organizations operating in the territory of the Republic of Kazakhstan in accordance with the civil legislation of the Republic of Kazakhstan;
2. deposit in the second level bank of the Republic of Kazakhstan an amount of money not less than the minimum amount established by the legislation of the Republic of Kazakhstan at the time of registration of a legal entity to form its authorized capital.

In case of non-fulfillment of these obligations by business immigrants, the bodies of internal affairs on the basis of a petition of local executive bodies shall take a decision to reduce the period of stay of business immigrants for the period necessary for their voluntary departure.

For the purposes of state registration of a legal entity it will be necessary to submit a copy of the C5 visa (notarized and with an apostille).

## 2. RECRUITMENT OF PERSONNEL: QUOTAS AND PERMITS TO HIRE FOREIGN LABOR FORCE (FLF)



### Quotas for attracting FLF

In order to protect the domestic labor market, the authorized body on issues of population migration establishes a quota for attracting OFWs for labor activities in the territory of the Republic of Kazakhstan.

The quota for attracting OFWs is formed and established by the authorized body on migration issues and determines the maximum permissible number of OFWs allowed for employers and for labor activities in the territory of the relevant administrative-territorial unit.

Employers annually before October 1 submit to the local executive bodies of oblasts, cities of republican significance, the capital, on the territory of which it is envisaged to carry out labor activities by foreign workers, applications for the need for foreign labor force in the prescribed form.

## 2. RECRUITMENT OF PERSONNEL: QUOTAS AND PERMITS TO HIRE FOREIGN LABOR FORCE (FLF)



### Permission for hiring FLF

Employment of foreign citizens is carried out only after obtaining a permit to attract foreign labor force, issued by local executive bodies (except for citizens of the EEU and others established by law).

In order to determine the procedure and conditions for issuing or extending a permit to attract foreign labor, the following categories of workers are established:

1. first category - managers and their deputies;
2. second category - heads of structural subdivisions;
3. third category - specialists;
4. fourth category - skilled workers.

It is not allowed to employ foreign workers without an FLF permit, and administrative liability in the form of a fine in the amount of:

- 100 MRP for small businesses or non-profit organizations;
- for medium-sized businesses - 200 MRP;
- for large businesses - 700 MRP\*.

1 MRP = 3450 tenge

## 2. RECRUITMENT OF PERSONNEL: QUOTAS AND PERMITS TO HIRE FOREIGN LABOR FORCE (FLF)



### Permission for hiring FLF

The application for a permit shall be submitted electronically through the [elisence.kz](https://elisence.kz) portal via the employer's EDS with the following documents attached:

- information on the foreign workers involved;
- electronic copies of notarized and apostilled education documents and translations (if the document is not in the state or Russian language);
- electronic copy of the employer's letter that confirms the compliance of the foreign worker's qualifications and professional experience with the position for which he/she is hired;
- information on fulfillment of obligations imposed upon issuance of permits to attract foreign labor force for the previous and current calendar years, the due date of which has come (if any);
- information on local content in personnel according to the established form;
- electronic copy of the agreement on rendering services on the territory of the corresponding administrative-territorial unit (in case of attraction of foreign labor force within several administrative-territorial units);
- electronic copy of the letter of the authorized body of the respective administrative territorial unit on satisfaction of the need for the requested foreign workforce (in case of attraction of foreign workforce within several administrative territorial units);
- an electronic copy of the foreign worker's identity document;
- a document confirming the payment of the permit fee (after approval of the permit).

## 2. RECRUITMENT OF PERSONNEL: QUOTAS AND PERMITS TO HIRE FOREIGN LABOR FORCE (FLF)



Issuance of the permit is carried out within 19 working days, including:

- notification of the decision to issue/renew the permit for foreign labor force - within 8 (eight) working days;
- 10 working days from the date of the decision to issue/extend the permit for foreign labor force.

Permits to hire foreign labor force are issued for a period of time:

- for the first category - on the basis of the employer's application for one, two or three years, with the right to extend the permit for one, two or three years;
- for the second and third categories - for twelve months, with extension for a period of twelve months, but not more than three times;
- for the fourth category - for twelve months, with no right of renewal.

The permit is issued to an employer for a specific foreign worker (but can be re-issued to another) and is not transferable to another employer.



# 3. STAFF RECRUITMENT: C3 VISAS AND TEMPORARY RESIDENCE PERMITS FOR EEU CITIZENS



## **C3 visa - visa for labor activity**

C3 visa is issued by the Ministry of Internal Affairs of the Republic of Kazakhstan on the basis of a petition of the inviting party in the presence of a permit issued to the employer to attract foreign labor force or documents confirming that in accordance with the legislation of the Republic of Kazakhstan or international treaties to which the Republic of Kazakhstan is a party, the recipient of the visa does not require a permit for employment or foreign labor force.

C3 visa for the period of validity of the permit to attract foreign labor force with the right to extend it up to 3 years. On C3 visa a foreign worker can stay in the territory of the Republic of Kazakhstan without restrictions.

Visa processing time does not exceed 5 working days, but in practice it may take up to 30 working days.

# 3. STAFF RECRUITMENT: C3 VISAS AND TEMPORARY RESIDENCE PERMITS FOR EEU CITIZENS



## Temporary residence permit (TRP) for EEU citizens

EEU citizens are not subject to the requirement to obtain an IRS and C3 visa. In order to attract EAEU citizens to labor activity it is necessary to obtain a temporary residence permit.

Required documents:

1. application form;
2. copy of the identity document (the original is provided for verification);
3. notarized consent for the immigrant's residence from the owner of the residential premises (not necessary if the immigrant is the owner);
4. employment contract registered with the authorized body (Ministry of Labor and Social Protection of Population) - in the unified system of accounting of labor contracts "USUTD" or civil law contract on performance of works (rendering of services).

The term of issuance is 1 working day, but in practice it may take up to 3 working days.

## 4. OTHER MIGRATION REQUIREMENTS



- ✓ Obtain an individual identification number (IIN) for the purposes of opening a bank account;
- ✓ Notification of arrival of a foreign citizen (at each entry into Kazakhstan);
- ✓ Upon expiration of the permit and visa, apply for an extension;
- ✓ Cancel the permit and visa in case of termination of labor relations with the foreign worker;
- ✓ Ensure the departure of a foreign citizen in case of termination of labor relations.

# Thank you for your attention!



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