

Amendments to Kazakhstan legislation on attraction of foreign labour force

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In accordance with the Decree of the Government of the Republic of Kazakhstan dated 31 March 2016 No. 173, amendments to the Decree of the Government of the Republic of Kazakhstan as of 13 January 2012 No. 45 on Adoption of the Rules and Conditions of issuance of permits to expatriate employee for employment and employers for attraction of foreign labour force (the “Decree”) were introduced.

The corporate transfer concept is fully replaced by intra-corporate transfer. In light of this, the following new provisions on intra-corporate transfer are introduced:

- Expatriate employees are divided into three categories: heads, managers and specialists. Work permits are issued if the head, manager or specialist has at least one year of experience (such experience should be gained with the legal entity incorporated in the WTO member-country, located outside of Kazakhstan);
- Work permits are issued for the period stipulated by the employment contract, but not more than for three years with the right to prolong it once for one year;
- In case of attraction of expatriate for the position of manager and specialist, ratio of the number of expatriate and local employees should be observed; the state authorities shall determine the ratio. However, this rule does not apply to the expatriates attracted for the position of the head;
- Employer conducts search of the candidates for positions of managers and specialists on the local labour market by sending to the authorities the information on existence of vacancies. The request should be made not less than 15 and not more than 60 calendar days before submission to the state authorities of the application on issuance or prolongation of the work permit. This requirement is effective until 1 January 2021, and does not apply to obtaining and prolongation of work permit for the category of the head;
- Upon agreement between the employer and the state authorities, the employer should perform special conditions on training, retraining, advanced training or creation of additional workplaces for the citizens of the Republic of Kazakhstan, corresponding with the specialities and positions for which foreign labour force is attracted.

The Decree is effective from 19 April 2016, except for certain provisions.

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