



Remain Focused on Changes

The New Work Permit Rules

In this issue we would like to remind you about some of the most interesting and important amendments to the immigration legislation that will be introduced by the New Work Permit Rules (the "Rules") from 1 January 2017.

We would also like to draw your attention to the new Resolution # 459 dated 18 August 2016 approving the exact amounts of one-off state charges for the issuance of work permits to foreign nationals wishing to work in Kazakhstan.

The New Work Permit Rules



Dear friends,

The New Work Permit Rules were approved by the Decree of the Vice Minister of Health and Social Development #559 as of 27 June 2016. The new Work Permit Rules will enter into force from 1 January 2017.

1. From 1 January 2017, the concept for issuing and (or) extending work permits will change, specifically:

- a one-off state charge for issuing and (or) extending work permits will be introduced, except for those issued for internal corporate transfers, which will be free of charge;
- the requirement to deposit funds for the purposes of securing the foreign national's departure from Kazakhstan will be abolished;
- special conditions will be abolished, except special conditions for work permits issued and (or) extended under the internal corporate transfer schemes;
- there is no longer a requirement to perform the resident labour market test, with the exception of the obtainment/prolongation of work permits under the internal corporate transfer scheme;
- the period for issuing and (or) extending work permits will be reduced, except for work permits issued and (or) extended under the internal corporate transfer scheme;
- the total term of work permits issued under the internal corporate transfer scheme will be not more than 3 years with only one extension period for 12 months, while work permits issued according to general principles will be issued for 12 months and will be extended as follows:
 - for category 1 – annually;
 - categories 2 and 3 – no more than three times per year;
 - category 4 and seasonal workers – no extension.
- elementary level of Kazakh language knowledge will be required in order to obtain work permit under the internal corporate transfer scheme for specialist level workers.

- local content requirements will remain in force, with the exception of:
 - a. small scale business legal entities;
 - b. state-owned business entities and enterprises;
 - c. self-employed foreign nationals;
 - d. in relation to work permits issued within the quotas of the countries, with which the Republic of Kazakhstan has concluded and ratified international agreements on labour migration and social protection of working migrants.

2. Work Permit State Charges:

Further, the Resolution # 459 as of 18 August 2016 approves the minimum and maximum charges for issuing and (or) extending work permits for foreign nationals in Kazakhstan.

The stated Resolution will enter into force on 1 January 2017. Under the Resolution, the minimum charge is fixed at 137 times the MCI (approximately, US\$ 850), while the maximum charge is fixed at 250 times the MCI (approximately, US\$ 1,550), except for seasonal overseas employees – for whom the charge will be 24 times the MCI (approximately, US\$ 150).

How Deloitte can help

Deloitte Legal in KZ would be delighted to assist you with the obtainment/prolongation of work permits and to provide professional advice on any other aspects of immigration law.

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Contact us:

Almaty/Astana

Vladimir Kononenko

Tel.: +7(727) 258 13 40

Fax: +7(727) 258 13 41

Email: vkononenko@deloitte.kz

Agaisha Ibrasheva

Tel.: +7(727) 258 13 40

Fax: +7(727) 258 13 41

Email: aibrasheva@deloitte.kz

Yelena Ryzhkova

Tel.: +7(727) 258 13 40

Fax: +7(727) 258 13 41

Email: yryzhkova@deloitte.kz

Atyrau/Aktau

Anthony Mahon

Tel.: +7(727) 258 13 40

Fax: +7(727) 258 13 41

Email: anmahon@deloitte.kz

deloitte.kz

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