

11 July 2014



On 24 June 2014 Federal Law No. 164-FZ of 23 June 2014 “On amending Article 13.2 of the Federal Law ‘On the legal position of foreign citizens in the Russian Federation’ and Article 1 of the Federal Law ‘On amending the Federal Law ‘On the legal position of foreign citizens in the Russian Federation’” (“the Law”) came into effect.

The Law extends the category of organisations whose employment of foreign highly-qualified specialists (HQS) is subject to lower salary requirements to those operating in the field of IT.

According to the Law, organisations operating in the area of IT and holding state accreditation of that status have the right to hire HQS at an annual salary of 1 million RUB in accordance with the procedure established by the RF Government (with the exception of organisations with residency status of Technology and Innovation Special Economic Zones).

Please be reminded that the general conditions for hiring HQS include the payment of an annual salary of no less than 2 million RUB, except in cases where the law allows otherwise.

Requirements for organisations

According to the Law, the following types of company have the right to hire HQS at a reduced annual salary.

- Russian commercial organisations
- Russian scientific organisations, professional educational organisations and institutions of higher education (except for religious educational institutions), health institutions, and other organisations operating in accordance with state priority areas of science, technologies and engineering in the Russian Federation, provided said companies have state accreditation as required by RF legislation.

Accreditation of organisations operating in the field of IT

To qualify for the required state accreditation, a Russian IT company should be engaged in the development and sale of software or databases, either on a tangible medium or via electronic channels of communication, regardless of the type of contract, and/or render services/perform work for the adaptation, modification, installation, testing and/or maintenance of software and databases.

There are no additional requirements in place for companies that meet these requirements.

In order to obtain state accreditation, the organisation must submit a standard package of documentation, including:

- ✓ application for state accreditation
- ✓ certificate signed by the head of the organisation, confirming that the organisation carries out the relevant activities
- ✓ extract from the Unified State Register of Legal Entities
- ✓ copies of the organisation's founding documents.

The RF Ministry of Communications and Mass Media is responsible for granting and denying state accreditation within 30 days of receiving the application and supporting documentation.

Therefore, from 24 June 2014, organisations operating in the field of IT and holding the relevant state accreditation obtained in the manner prescribed by the RF Government are entitled to hire HQS at an annual salary of at least 1 million RUB.

We hope that you find the information presented in this issue both interesting and useful. Our specialists are ready to answer any questions you may have in relation to the topic of this issue.

Contacts

If you have any questions with regard to the information provided in this issue, please feel free to contact our Tax & Legal specialists:

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