



On approval of the Rules for attracting foreign employees to state bodies of the Republic of Kazakhstan

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No. 1198

Unofficial translation

In accordance with paragraph 3 of Article 64 of the Law of the Republic of Kazakhstan “On the Civil Service of the Republic of Kazakhstan” dated November 23, 2015 the Government of the Republic of Kazakhstan **RESOLVES**:

1. To approve these Rules for attracting foreign employees to state bodies of the Republic of Kazakhstan.

2. This Resolution shall come into effect from the date of its first official publication.

*Prime Minister of the
Republic of Kazakhstan*

K. Massimov

Approved by Resolution of the
Government of the
Republic of Kazakhstan

No.1198 dated December 31, 2015

The Rules for attracting foreign employees to state bodies of the Republic of Kazakhstan

1. General provisions

1. These Rules for attracting foreign employees to state bodies of the Republic of Kazakhstan (hereinafter referred to as the Rules) have been developed in accordance with paragraph 3 of Article 64 of the Law of the Republic of Kazakhstan “On the Civil Service of the Republic of Kazakhstan” dated November 23, 2015 and establish the procedure for attracting foreign employees to state bodies of the Republic of Kazakhstan.

2. The following basic concepts shall be used in these Rules:

1) authorized commission - a commission on consideration of the entry of citizens of the Republic of Kazakhstan into the administrative civil service, its performance and termination, as well as attracting foreign employees to state bodies of the Republic of Kazakhstan, the position and composition of which are approved by the President of the Republic of Kazakhstan;

1-1) authorized state bodies - state bodies of the Republic of Kazakhstan in the field of state planning, labor, investment and development;

2) foreign employee of the state body of the Republic of Kazakhstan (hereinafter referred to as the Foreign employee) - a foreigner attracted to the state body of the Republic of Kazakhstan under an employment contract.

Footnote. Paragraph 2 with the Amendment, introduced by Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

3. The positions of foreign employees shall be established by state bodies of the Republic of Kazakhstan in agreement with the authorized commission. Personal responsibility for the quality of activities of foreign employees accepted by state bodies of the Republic of Kazakhstan shall be entrusted to the heads of state bodies.

Foreign employees may not hold public positions and be officials.

4. The admission of foreign employees to state secrets shall be determined by the legislation of the Republic of Kazakhstan on state secrets.

5. Excluded by Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

5-1. State bodies of the Republic of Kazakhstan shall establish the positions of foreign employees and qualification requirements for them and shall send them for approval to the authorized state bodies in the form according to Annex 1 to these Rules.

Footnote. The Rules were supplemented by paragraph 5-1 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

5-2. The authorized state bodies within ten working days shall consider and coordinate the positions of foreign employees submitted by state bodies of the Republic of Kazakhstan or refuse to coordinate them if they do not comply with the indicators set forth in Annex 2 to these Rules.

State bodies of the Republic of Kazakhstan, within five working days from the date of receipt of the approval results, shall submit proposals to the authorized body for civil service on the establishment of positions of foreign employees with the approval of the authorized state bodies.

Footnote. The Rules were supplemented by paragraph 5-2 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

5-3. The authorized body for civil service affairs within five working days from the day of receipt of proposals on the establishment of positions of foreign employees in the prescribed manner shall summarize them with subsequent referral to the authorized commission. In the event of a positive decision of the authorized commission, state bodies of the Republic of Kazakhstan within five working days shall establish the positions of foreign employees and qualification requirements for foreign employees.

Footnote. The Rules were supplemented by paragraph 5-3 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

2. The procedure for employment of foreign employees, conclusion and termination of employment contract

6. Stages of employment of foreign employee:

1) reception from foreign employee of the documents specified in paragraph 7 of the Rules;

2) sending documents of foreign employees for mandatory special check to the national security bodies of the Republic of Kazakhstan;

3) coordination of employment of foreign employee with the authorized commission;

4) conclusion of employment contract.

7. Foreign employee shall submit to the state body of the Republic of Kazakhstan the following documents:

1) application for employment in any form with translation in Kazakh or Russian language;

2) identification documents and notarized translations thereof;

3) notarized translations (in Kazakh or Russian language) of educational documents that have passed the recognition or nostrification procedure in the manner established by the legislation of the Republic of Kazakhstan on education, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan;

4) copy of a document confirming labor activity attested notarially, as well as their translation into Kazakh or Russian language;

5) medical certificate in form No. 075/u, approved by the order of the Acting Minister of Healthcare of the Republic of Kazakhstan dated October 30, 2020 No. KR HM-175/2020;

6) other documents in accordance with the requirements stipulated by the Rules of mandatory special check by the national security bodies of the Republic of Kazakhstan of foreign employees when employing to the state bodies of the Republic of Kazakhstan, approved by the President of the Republic of Kazakhstan.

Footnote. Paragraph 7 as amended by the resolution of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 145 ((shall enter into force upon expiry of ten calendar days after the day of its first official publication).

8. Translation of documents submitted to the state body of the Republic of Kazakhstan into Kazakh or Russian language shall be provided by foreign employee.

9. The personnel management service (personnel department) of the state body of the Republic of Kazakhstan shall consider the submitted documents for compliance with the established qualification requirements for the corresponding position of a foreign employee and, in case of their compliance, within five working days from the date of acceptance of the

documents specified in paragraph 7 of the Rules, shall form materials, necessary for the mandatory special check, and shall send them to the national security bodies of the Republic of Kazakhstan.

Footnote. Paragraph 9 as amended by Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

10. Upon receipt of a positive result of mandatory special check, the state body of the Republic of Kazakhstan within five working days shall send the documents of a foreign employee, specified in paragraph 7 of the Rules, for approval to the authorized commission.

The grounds for refusal of sending the documents for employment of foreign employee to the authorized commission for approval shall be a negative result of mandatory special check of the national security body of the Republic of Kazakhstan.

The state body of the Republic of Kazakhstan shall notify a foreign employee of the results of mandatory special check within three working days.

11. The authorized commission shall approve the nomination submitted and the term for concluding an employment contract or shall refuse the approval. The decision of the authorized commission shall be sent to the state body of the Republic of Kazakhstan within five working days.

12. The grounds for employing a foreign employee to work in the state body of the Republic of Kazakhstan shall be positive conclusion of the authorized commission.

The state body of the Republic of Kazakhstan shall notify a foreign employee of the decision of the authorized commission within three working days.

13. Head of the apparatus of the central state body, and in the state body that shall provide leadership in the field of foreign policy, - the head of the state body, and in the absence of the head of the staff - the head of the state body appoints a foreign employee to the position, established by the state body, in agreement with the authorized commission and concludes an employment contract with a foreign employee for a period of not more than one year, containing the tasks assigned to it.

Footnote. Paragraph 13 in the wording of the the resolution of the Government of the Republic of Kazakhstan dated 18.03.2021 No. 145 ((shall enter into force upon expiry of ten calendar days after the day of its first official publication).

14. Termination of an employment contract shall be carried out in the manner and on the grounds provided for by the labor legislation of the Republic of Kazakhstan.

15. State bodies of the Republic of Kazakhstan no later than two months before the expiration of the employment contract concluded with a foreign employee shall send to the authorized state bodies the information on the results of the activities of foreign employees.

In the event of the conclusion of an employment contract for a period of less than one year, information on the results of the activities of foreign employees shall be sent to the

authorized state bodies within ten working days from the date of completion of the employment contract concluded with a foreign employee.

Footnote. The Rules were supplemented by paragraph 15 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

16. The authorized state bodies within ten working days from the date of receipt of information on the results of the foreign employee’s activity sent by the state bodies of the Republic of Kazakhstan, shall consider it, based on the results of which they give conclusions on the activities of the foreign employee in accordance with the indicators provided for in Annex 2 to these Rules, and shall send them to the authorized body for civil service.

Footnote. The Rules were supplemented by paragraph 16 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

17. The authorized body for civil service affairs shall summarize the conclusions of the authorized state bodies on the activities of foreign employees and shall send the final conclusion to the authorized commission for consideration within five working days.

Based on the results of consideration of information on the results of the activities of foreign employees and positive decision of the authorized commission, the employment contract may be extended for a period of not more than one year.

Footnote. The Rules were supplemented by paragraph 17 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

Annex 1
to the Rules for attracting foreign
employees to state bodies of the
Republic of Kazakhstan
Form

Positions and qualification requirements for foreign employees

Footnote. The Rules were supplemented by Annex 1 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

(name of the state body of the Republic of Kazakhstan)

No.	Name of position	Qualification requirements *	Justification
1			

(head of the state body of the Republic of Kazakhstan)

* qualification requirements for the positions of foreign employees specify the requirements for qualifications and work experience in areas corresponding to the functional areas of a particular position.

Annex 2
to the Rules for attracting foreign
employees to state bodies of the
Republic of Kazakhstan
Form

Coordination of positions of foreign employees

Footnote. The Rules were supplemented by Annex 2 in accordance with Resolution of the Government of the Republic of Kazakhstan No. 405 dated 30.06.2017 (shall come into effect upon expiry ten calendar days after its first official publication).

No.	Name of position and qualification requirements	Indicators	Correspond / not correspond	Justification
1	2	3	4	5
1		relevance and priority of the development direction of the country or individual regions		
		lack of appropriate personnel in the country for the necessary fields and sectors or insufficient qualification of deployed personnel		
		providing access to advanced world technologies or transfer of modern specialized knowledge		
		increasing the efficiency of organization and work culture of the state apparatus		
		increasing the competitiveness of a specific industry of a country or individual regions		
		obviousness and predictability of the return on funds spent		

	on remuneration of foreign employees	
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(head of the authorized state body of the Republic of Kazakhstan)

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