

On Approval of the Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour and for Intra-Corporate Transfers

Unofficial translation

Order of the Deputy Prime Minister - Minister of Labour and Social Protection of the Republic of Kazakhstan № 279 of June 30, 2023. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 30, 2023 under № 32977

Unofficial translation

Under sub-paragraph 14-4) of Article 11 of the Law of the Republic of Kazakhstan “On Migration”, sub-paragraph 1) of Article 10 of the Law of the Republic of Kazakhstan “On State Services” and sub-paragraph 2) of paragraph 3 of Article 16 of the Law of the Republic of Kazakhstan “On State Statistics”, **I HEREBY ORDER:**

Footnote. The Preamble is revised by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 55 of 28.02.2024 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).

1. That the attached Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour, and for Intra-Corporate Transfer shall be approved as per Annex 1 hereto.

2. That certain orders of the Ministry of Health and Social Development of the Republic of Kazakhstan and the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan shall be deemed null and void pursuant to Annex 2 hereto.

3. In compliance with the procedure established by law, the Migration Committee of the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan shall ensure the following:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) posting of this order on the Internet resource of the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan;

3) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan to submit to the Department of Legal Service of the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan information on the implementation of measures envisaged by sub-paragraphs 1) and 2) of this paragraph.

3. Control over the execution of this order shall be entrusted to the First Vice-Minister of Labour and Social Protection of Population of the Republic of Kazakhstan.

4. This order shall come into effect since July 1, 2023 and shall be subject to official publication.

**Deputy Prime Minister -
Minister of Labour and Social
Protection of Population
of the Republic of Kazakhstan** **T. Duisenova**

“AGREED BY”

**Minister of Agriculture
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Science and Higher Education
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Health
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Industry and
Infrastructure Development of** **the Republic of Kazakhstan**

“AGREED BY”

**Minister of Finance
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Culture and Sports
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Enlightenment
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of National Economy
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Digital Development,
Innovation and Aerospace Industry
of the Republic of Kazakhstan**

“AGREED BY”

**Minister of Internal Affairs
of the Republic of Kazakhstan**

“AGREED BY”

Minister of Ecology and

**Natural Resources
of the Republic of Kazakhstan
“AGREED BY”
Minister of Energy
of the Republic of Kazakhstan**

Annex to order № 279
of the Deputy Prime Minister – Minister
of Labour and Social Protection of
Population
of the Republic of Kazakhstan
of June 30, 2023

**Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour and for
Intra-Corporate Transfer**

Chapter 1. General provisions

1. These Rules and Terms for Issuing or Extending (Re-Issuing) Permits to Employers to Hire Foreign Labour, and for Intra-Corporate Transfer (hereinafter - Rules) have been drawn up pursuant to sub-paragraph 14-4) of Article 11 of the Law of the Republic of Kazakhstan “On Migration”, sub-paragraph 1) of Article 10 of the Law of the Republic of Kazakhstan “On State Services” and specify the procedure and conditions for issuing or extending permits to employers to hire foreign labour force, and for intra-corporate transfer

2. The following basic concepts are used herein:

1) a vacancy means a vacant job (position) with an employer;

2) a local executive authority on social protection and employment of the population (hereinafter the local executive authority) means a local executive authority of a region, cities of national importance, the capital city, which establishes areas in the sphere of social protection and employment of the population;

3) an employer is a natural or legal person with whom the employee has labour relations;

4) a temporary transfer for a period specified in the employment contract, but not exceeding three years, with the right to extend it for one year, of a foreigner or stateless person working as an executive, manager or specialist in a legal entity established in the territory of a member country of the World Trade Organisation, located and operating outside the territory of the Republic of Kazakhstan, to branches, subsidiaries, representative offices of this legal entity established in the territory of the Republic of Kazakhstan under the laws of the Republic of Kazakhstan;

5) seasonal foreign workers are immigrants recruited by employers for a period not exceeding one year to perform seasonal work, which, due to climatic or other natural conditions, are performed within a certain period (season), in line with the list of professions approved by the competent authority on population migration issues in coordination with the authorised public authorities in charge of the relevant area of state administration;

6) a competent authority on population migration issues means a central executive body that, within the limits of its competence, manages population migration, regulates migration processes, coordinates work and implements state policy in the field of population migration;

7) a foreign worker means immigrants arriving for self-employment in professions demanded in priority sectors of the economy (types of economic activity), as well as those engaged by employers to perform labour activities in the territory of the Republic of Kazakhstan, including those arriving within the framework of intra-corporate transfer;

8) foreign labour force means foreign workers engaged by employers for labour activities, including seasonal foreign workers, as well as within the framework of intra-corporate transfers;

9) quota for hiring foreign labour force means the maximum permissible number of foreign labour force allowed to be hired by an employer to perform labour activities in the territory of the Republic of Kazakhstan;

10) a permit to attract foreign labour force means a document of the established form issued by a local executive authority to an employer for attracting foreign labour force to the Republic of Kazakhstan.

Chapter 2: Procedure and terms for issuing or extending (re-issuing) permits to employers to hire foreign labour, and for intra-corporate transfers

Paragraph 1: Procedure and terms for issuing or extending permits to employers to hire foreign workers

3. For obtaining the state service “Issuance or Extension of a Permit to Employers to Hire Foreign Labour Force”, the employer or a person authorized by him/her/it shall submit an application to the local executive authority at the place of employment of foreign labour force via the e-government web portal www.egov.kz, www.elicense (hereinafter referred to as the EWP) in compliance with Annex 1 hereto, accompanied by the documents specified in the list of basic requirements for rendering the state service “Issuance or Extension of a Permit to Employ Foreign Labour Force” (hereinafter - the list of requirements for rendering a state service) pursuant to Annex 2 hereto.

4. The list of basic requirements for rendering a state service, including specifications of the process, form, content and result of rendering, as well as other information with due regard to the specifics of rendering a state service is given in the List of Requirements for Rendering a State Service as per Annex 3 hereto.

5. For the purpose of establishing the procedure and conditions for issuing or extending a permit to engage foreign labour force (hereinafter referred to as permit) pursuant to Annex 3 hereto, the following categories of workers shall be established:

1) first category - heads and their deputies;

2) second category - heads of structural units who meet the qualification requirements established by professional standards, qualification directory of positions of heads, experts and other employees, standard qualification characteristics of positions of heads, experts and other employees of organisations;

3) third category - experts who comply with the qualification requirements established by professional standards, qualification directory of positions of managers, experts and other employees, standard qualification descriptions of positions of heads, experts and other employees of organisations;

4) fourth category - qualified workers who comply with the qualification requirements established by professional standards, the Unified Tariff and Qualification Directory of Workers' Occupations and Professions, tariff and qualification characteristics of workers' occupations.

6. Within one working day, not counting the day of application filing, the local executive authority shall review the received documents and verify the completeness and accuracy of the package of documents submitted by the employer.

Upon provision of incomplete and (or) incomplete documents in the prescribed form, as well as provision of documents with expired validity period, as per the list of basic requirements for rendering a state service, the local executive authority shall refuse to accept the application (specifying the documents not submitted and (or) not filled in the prescribed form and other inconsistencies as per the Rules).

The refusal to accept the application, signed by the electronic digital signature (hereinafter - EDS) of the head of the local executive authority, shall be forwarded to the applicant in the form of an electronic document in the personal cabinet on the EWP.

7. When the employer submits an application and documents in compliance with the list of basic requirements for rendering a state service, an employee of the local executive authority accepts and registers them within one working day after the day of receipt of the application.

Should the employer apply after working hours, on weekends and public holidays in line with labour legislation, the following working day shall be used for receiving applications and issuing the results of the provision of state services.

The employer shall obtain information on identity documents, state registration (re-registration) of a legal entity, payment of the permit issuance fee from the relevant state information systems via the e-government gateway.

Within 6 working days from the moment of registration of the application, the local executive authority shall review the documents and submit them to the Commission for Issuing Permits to Engage Foreign Labour Force (hereinafter referred to as the Commission), which includes representatives of the organisations envisaged in paragraph 10 hereof.

The composition of the Commission shall be approved by the head of the local executive authority.

8. The decision to issue or refuse to issue a permit shall be taken in the form of an order of the head of the local executive authority within seven working days from the date of registration of the employer's documents.

An employer's application for a permit within more than one administrative-territorial unit shall be reviewed by the local executive authority within seven working days from the date of acceptance of the employer's documents.

Within three working days (from the date of acceptance of the employer's documents), the local executive authority approving the issuance of a permit with an effect within more than one administrative-territorial unit shall provide a decision on approval to the local executive authority.

The local executive authority shall issue or prolong a permit with the validity within more than one administrative-territorial unit after receiving a positive decision of the approving local executive authority.

Within three working days (from the date of acceptance of the employer's documents), the approving local executive authority shall send a decision on approval or refusal to approve the issuance or extension of the permit to the relevant administrative-territorial unit.

The local executive authority shall make a decision based on the recommendations of the Commission established by the local executive authority.

The Commission's review of employers' applications shall be video-recorded at each session of the Commission.

9. When making a decision on motivated comments on the documents filed, pursuant to Article 73 of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan (hereinafter - APPRC RK), the executor of the service provider shall send to the service recipient a notification of the preliminary decision to refuse to render a state service, as well as the time and place of the hearing for the opportunity to express to the service recipient the position on the preliminary decision.

The service recipient's objections to the preliminary decision shall be accepted by the service provider within 2 working days from the day of its receipt.

Based on the results of the hearing, the local executive authority shall adopt a decision to accept the application for issuance of a permit to attract foreign labor force or form a motivated refusal to render the state service.

A motivated refusal to further consider the application, signed by the electronic digital signature (hereinafter - EDS) of the head of the local executive authority, shall be forwarded to the applicant in the form of an electronic document in the personal cabinet on the EWP.

10. The Commission shall include representatives of the internal affairs authorities, the education authority and the territorial unit of the authorised state labour authority.

Footnote. Paragraph 10 - as revised by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 390 of 30.09.2024 (shall be put into effect upon expiry of ten calendar days after the day of its first official publication).

11. The employer and/or his/her representative shall attend the Commission session. If the employer and/or his/her representative fails to attend the session of the Commission, it shall not be a reason for postponement of the Commission. The local executive authority shall post information on the date, time and venue of the session of the Commission on its official Internet resource at least two working days prior to the date of the session.

12. If there are grounds for a decision to refuse to issue a permit, the local executive authority shall send/notify the employer's personal cabinet or via telecommunication means of a preliminary decision on rendering a state service, as per Article 73 of the APPRC RK.

The notification shall specify the grounds for refusal envisaged by paragraph 27 or 32 hereof in the form of an electronic document signed by the EDS of the head of the local executive authority, as per Annex 4 hereto.

13. Upon making a decision to issue a permit, within one working day after the day of its acceptance, the local executive authority shall send to the personal cabinet of the employer a notification in the form of an electronic document signed by the EDS of the head of the local executive authority in compliance with Annex 4 hereto.

14. When issuing permits under the fourth category, the employer shall replace, for identical positions, foreign workers with Kazakhstan citizens from six months to one year.

The obligations shall be agreed with the employer when granting permits as per Annex 5 hereto.

15. Permits to hire seasonal foreign workers shall be granted based on the list of professions specified under sub-paragraph 14-6) of Article 11 of the Law of the Republic of Kazakhstan "On Migration".

16. The local executive authority shall issue permits within the quota allocated by the authorised body on population migration issues.

17. The number of valid, previously issued permits on the territory of the relevant administrative-territorial unit shall not exceed the number of quotas for foreign labour force for the relevant calendar year allocated by the authorized body on migration issues.

18. A permit to hire a foreign labour force with validity within more than one administrative-territorial unit shall be issued subject to the approval of the local executive authority(ies) within the territory of which the employer applies to extend the permit of the local executive authority to which the application for issuance or extension of the permit is submitted.

Approval shall be granted in the absence of grounds for refusal envisaged in sub-paragraphs 1), 2), 3) and 4) of paragraph(s) 27 and 32 hereof.

19. Issuance or extension of permits by the local executive authority shall be subject to the following conditions:

1) the number of citizens of the Republic of Kazakhstan not less than 70% of the list number of employees belonging to the first and second categories, given the employees of the

sending party who perform labour activities under the contract for rendering services on personnel provision;

2) the number of citizens of the Republic of Kazakhstan not less than 90% of the list number of employees belonging to the third and fourth categories, considering the employees of the sending party who perform labour activity under the contract for provision of personnel services.

In calculating the local content in human resources, foreign employees shall not include citizens of member states of the Treaty on the Eurasian Economic Union ratified by the Law of the Republic of Kazakhstan “On Ratification of the Treaty on the Eurasian Economic Union”.

An employer shall file information on local content in personnel with the local executive authority in the form as per Annex 6 hereto.

20. Paragraph 19 hereof shall not apply to:

- 1) small business entities;
- 2) state institutions and enterprises;
- 3) a foreign worker who arrived for self-employment in the Republic of Kazakhstan in compliance with sub-paragraph 14-5) of Article 11 of the Law of the Republic of Kazakhstan “On Migration”;
- 4) permits issued within quotas for countries of origin, if there are international treaties ratified by the Republic of Kazakhstan on cooperation in the field of labour migration and social protection of migrant workers;
- 5) representative offices and branches of foreign legal entities with the number of employees not exceeding 10 persons.

21. Terms and conditions of local content in personnel for investment priority projects shall be established by the central public authorities concerned in coordination with the local executive authority on whose territory the projects are implemented and the authorised body on migration issues in the prescribed form pursuant to Annex 7 hereto.

22. For the issuance or renewal of a permit, employers shall be charged a tax levy (hereinafter - the levy) as per the rates of the levy, for the issuance or renewal of a permit to engage foreign labour force in the Republic of Kazakhstan, approved by Decree of the Government of the Republic of Kazakhstan № 157 of April 3, 2018 “On Establishing the Rates of the Levy for the Issuance or Renewal of a Permit to Engage Foreign Labour Force in the Republic of Kazakhstan”.

In case of issuing or prolongation of a permit to attract foreign labour force to the Republic of Kazakhstan within more than one administrative-territorial unit, the levy shall be made payable to the budget of each administrative-territorial unit specified in the permit.

Permits issued as part of intra-corporate transfers within more than one administrative-territorial unit shall be issued free of charge.

23. Since the date of receipt of the notification pursuant to Annex 4 hereto, the employer shall furnish documents confirming the payment of the permit fee to the local executive authority within ten working days.

Should the employer fail to furnish documents confirming the payment of the fee within ten working days from the date of receipt of the notification to the local executive authority, the decision of the local executive authority to issue the permit, as well as the permit shall be terminated in line with sub-paragraph 5) of paragraph 41 hereof.

The notification of refusal shall be forwarded to the personal cabinet of the employer in the form of an electronic document signed with the EDS of the head of the local executive authority pursuant to Annex 4 hereto.

24. Since the day of receipt of documents confirming the payment of the permit fee within one working day, the local executive authority shall form and send to the employer's personal cabinet the permit in the form of an electronic document signed by the EDS of the head of the local executive authority.

25. Permits to hire foreign labour force shall be issued for the period of:

- 1) for the first category - based on the employer's application for one, two or three years, with the right to extend the permit for one, two or three years;
- 2) for the second and third categories - for a period of twelve months, with extension for a period of twelve months, but not exceeding three times;
- 3) for the fourth category - for twelve months without the right of extension;
- 4) for seasonal foreign workers - up to ninety, one hundred and eighty, two hundred and seventy, three hundred and sixty-five calendar days, without the right of extension.

26. The provisions hereof applicable to foreign employees shall also apply to foreigners and stateless persons engaged for work in the Republic of Kazakhstan within the framework of intra-corporate transfer or in compliance with paragraph 39 hereof.

27. A permit to hire foreign labour force shall not be issued in the following cases:

- 1) exceeding the amount of the allocated quota;
- 2) failure of the employer to comply with the conditions set out in paragraph 19 hereof;
- 3) failure to fulfil obligations to replace foreign labour force in the fourth category;
- 4) establishing that the employer has engaged foreign workers without a permit or engaged a foreign worker in a profession or speciality that does not correspond to the profession or speciality specified in the permit. In such cases, no new permits shall be issued within twelve months from the date of establishment of such a fact;

5) non-compliance of the level of education (professional training) and practical work experience (length of service) of the foreign labour force with the qualification requirements for professions of workers and positions of managers, specialists and clerks in compliance with professional standards, the Unified Tariff and Qualification Directory of Workers and Professions of Workers and the Qualification Directory of Managers, Specialists and Other Clerks approved pursuant to the procedure envisaged in sub-paragraph 16-1) of Article 16 of

the Labour Code of the Republic of Kazakhstan (hereinafter referred to as the Code), the standard qualification characteristics of the positions of heads, experts and other employees of organizations of experts and other employees approved pursuant to the procedure envisaged in sub-paragraph 16-1) of Article 16 of the Code.

28. Re-issuance of a previously issued permit for another foreign worker shall be allowed in case of non-arrival of the foreign worker, for whom the permit was issued, to the place of work or termination of the labour contract with him/her, early termination of the letter or transfer agreement prior to the expiry date of the permit to attract foreign labour force with assignment of a new number if he/she meets the qualification requirements approved in the manner prescribed by Article 16-1) of Article 16 of the Labour Code of November 23, 2015, established for this occupation for the period remaining until the expiry of the initially issued permit, in the manner specified herein.

In doing so, the employer shall forward to the local executive body the documents on the foreign worker for whom the permit is being re-issued, as specified herein. The originally issued permit shall be subject to termination in conformity with sub-paragraph 6) of paragraph 41 hereof.

29. The decision to re-issue a previously issued permit for another foreign worker shall be taken by the local executive body within five working days from the date of acceptance of the documents, without review at a session of the Commission.

A notification on the decision of the local executive body to reissue the permit shall be forwarded to the employer's personal cabinet in the form of an electronic document signed by the EDS of the head of the local executive authority.

30. The permit may be extended no earlier than sixty calendar days and no later than thirty calendar days prior to the expiry date of the permit.

31. Based on the documents filed, within two working days from the date of acceptance of the documents, the local executive body shall make a decision to extend the term of the permit to hire foreign labour force or to refuse to extend it.

Should the local executive body make a positive decision to extend the validity period of the permit, the permit shall be extended for the period envisaged in paragraph 25 hereof, with the validity period of the permit commencing on the date of expiry of the previously issued permit.

The decision to extend the permit shall be made by the local executive body without review at a session of the Commission.

32. A permit to hire foreign labour force shall not be extended in the following cases:

- 1) exceeding the amount of the allocated quota;
- 2) non-compliance by the employer with the conditions set out in paragraph 19 hereof;
- 3) failure to fulfil obligations to replace foreign labour force in the fourth category;
- 4) establishing that the employer has engaged foreign workers without a permit or engaged a foreign worker in a profession or speciality that does not correspond to the

profession or speciality specified in the permit. In these cases, permits shall not be extended for twelve months from the date of establishment of such a fact.

33. The local executive authority shall forward to the employer a notification on extension or refusal to extend the term of the permit to the employer's personal cabinet in the form of an electronic document within one working day after the day of the decision to extend or refuse to extend the term of the permit to hire foreign labour force.

34. Once the employer has received a notification of permit renewal, the employer shall file with the local executive authority documents confirming the payment of the permit renewal fee within ten working days.

35. Should the employer fail to file documents confirming the payment of the fee within ten working days from the date of receipt of the notification to the local executive authority, the local executive authority shall decide to terminate the permit to hire foreign labour force and send a notification of refusal to the personal cabinet of the employer.

36. Since the day of receipt of the documents confirming the payment of the permit renewal fee within one working day, the local executive authority shall form and forward to the employer's 'personal cabinet' the permit in the form of an electronic document signed with the EDS of the head of the local executive authority.

37. The local executive authority shall ensure the entry of data on the stage of rendering a state service into the information system for monitoring the provision of state services in the procedure specified by the authorised body in the field of informatisation.

When rendering a state service via the state information system of permits and notifications, data on the stage of rendering a state service shall be received automatically in the information system for monitoring the rendering of state services.

38. The permit issued by the local executive body shall not be transferable to other employers and shall be valid only on the territory of the respective administrative-territorial unit.

However, the employer may send foreign workers, for whom permits have been obtained, on business trips to enterprises and organisations located in the territory of other administrative-territorial units for a period not exceeding a total of ninety calendar days within one calendar year.

39. Should a foreign legal entity-employer, operating in the Republic of Kazakhstan without establishing a branch or representative office, send its employees to the Republic of Kazakhstan under a contract for the performance of work, rendering of services or in case a foreign legal entity-employer sends its employees to the Republic of Kazakhstan for the performance of work, rendering of services to a subsidiary organisation, representative office, branch of a foreign legal entity, where such foreign legal entity-employer directly or indirectly has shares or participatory interests, the authorised person of the receiving party

shall submit via the EWP to the local executive authority at the place of labour activity of the foreign labour force an application, as per Annex 2 hereto, accompanied by the documents specified in the list of requirements for rendering the state service as per Annex 3 hereto.

Permits shall be issued as prescribed by paragraphs 8, 12, 13, 16, 17, 18, 19, 20, 21, 23, 24, 27 and 32 hereof.

While performing work, rendering services pursuant to this paragraph hereof, labour relations shall be governed by a document (letter or transfer agreement) agreed between the foreign employee and the foreign legal entity-employer from where a foreign employee is temporarily transferred.

40. Should a foreign worker be engaged in a profession or specialty that does not correspond to the profession or specialty specified in the permit, as well as in case of non-compliance by the employer with the conditions established by paragraph 19 hereof, the local executive authority shall revoke the valid permit for the recruitment of foreign labour force.

Herewith, the local executive body shall revoke the last issued permits, the number thereof exceeding the percentages set forth in paragraph 19 hereof.

41. The permit to hire foreign labour force shall be terminated in the following cases:

- 1) expiry of the term for which it was issued;
- 2) revocation of the permit;
- 3) termination of activity of the physical person - employer, liquidation of the legal entity - employer;
- 4) voluntary return of the permit by the employer to the local executive authority;
- 5) failure to provide copies of documents proving the payment of the fee for the issuance and renewal of the permit;
- 6) re-issuance of the permit to another foreign worker.

Within three working days from the date of the decision to terminate the permit envisaged in sub-paragraphs 2), 4) and 6) of this paragraph, the local executive authority shall forward information to the territorial body of the Ministry of Internal Affairs of the Republic of Kazakhstan (hereinafter - MIA RK) of the region, city of national importance, capital city on the termination of the validity of the permit.

42. The provisions hereof applicable to employers shall also apply to legal entities, branches, representative offices of a foreign legal entity registered in the territory of the Republic of Kazakhstan, attracting foreign labour force within the framework of intra-corporate transfer or in compliance with paragraph 46 hereof.

Paragraph 2: Terms and procedure for issuing or extending permits for the employment of foreign labour performed as part of intra-corporate transfers

43. For the period of intra-corporate transfer, the foreign employee shall be subject to the working hours and rest periods, as well as to the host party's labour safety and health

requirements, and the labour relations shall be governed by an employment contract (or other document confirming the labour relations) agreed between the foreign employee and the legal entity from which the intra-corporate transfer is made.

44. Permits to hire foreign labour for intra-corporate transfers shall be issued or renewed free of charge.

45. For the purposes of establishing the terms and conditions for attracting foreign employees as part of intra-corporate transfers, the following categories of employees shall be established:

- 1) heads;
- 2) managers;
- 3) experts.

46. Permission to hire foreign workers within the framework of intra-corporate transfer shall be granted under the condition that the head, manager and specialist have at least one year of work experience in a legal entity established in the territory of a member country of the World Trade Organisation, located and operating outside the territory of the Republic of Kazakhstan, as part thereof intra-corporate transfer is made, and compliance of foreign employees with qualification requirements in line with the qualification directory of positions of heads, specialists and other employees applied in the Republic of Kazakhstan, standard qualification specifications of positions of heads, specialists and other employees, as well as the state classifier of the Republic of Kazakhstan 01-99 ‘Classifier of Occupations’, confirmed by a letter from the legal entity from which the intra-corporate transfer is made, as well as a letter from the receiving party confirming that the employee has the necessary qualifications and professional work experience.

Positions of heads, managers and specialists transferred within the framework of intra-corporate transfer must meet the qualification requirements established for the positions of heads and specialists as per the Qualification Directory of Positions of Heads, Specialists and Other Employees, Standard Qualification Characteristics of Positions of Heads, Specialists and Other Employees, as well as the State Classifier of the Republic of Kazakhstan 01-99 “Classifier of Occupations”.

47. For receiving a permit to employ foreign workers within the framework of intracorporate transfer, the employer or the person authorised by him/her shall file an application via the EWP with the local executive authority at the place of employment of foreign labour force as per Annex 1 hereto, accompanied by the documents indicated in the list of requirements for rendering the state service as per Annex 2 hereto.

48. The local executive body shall accept and register the documents on the day of their receipt.

If an employer applies after working hours, on weekends and public holidays under labour legislation, applications shall be accepted and the results of the state service shall be issued on the following working day.

In case of filing of documents by the employer, the status of acceptance of the request for rendering the state service with indication of the date of receipt of the result of the state service shall be displayed in the personal cabinet of the employer.

49. Within two working days, not including the day of registration of documents, the employee of the local executive body who accepted the application shall examine the completeness and reliability of the set of documents accepted from the employer and in cases of incomplete submission and (or) failure to fill in the prescribed form of documents envisaged by paragraph 47 hereof, as well as establishing the unreliability of the submitted documents and (or) data (information), shall refuse further consideration of the application pursuant to paragraph 6 hereof.

50. The decision to issue or refuse to issue a permit to hire foreign workers within the framework of intra-corporate transfer shall be taken by the local executive authority within seven working days from the date of acceptance of the employer's documents.

The local executive body shall make a decision based on the recommendations of the Commission, pursuant to paragraph 7 hereof.

51. The local executive authority shall notify the employer of the decision to issue or refuse to issue an authorisation as part of an intra-corporate transfer within one working day after the day of its adoption.

52. Upon taking a decision to issue a permit to hire foreign workers within the framework of intra-corporate transfer, the local executive authority shall send to the employer's personal cabinet a notification in the form of an electronic document signed by the EDS of the head of the local executive authority in line with Annex 4 hereto.

53. Upon taking a decision to refuse to issue a permit to hire foreign workers within the framework of intra-corporate transfer, the local executive authority shall forward to the employer's personal cabinet a notification indicating the grounds thereof in conformity with paragraph 62 hereof in the form of an electronic document signed with the EDS of the head of the local executive authority in conformity with Annex 4 hereto.

54. Upon granting a permit, the employer shall choose one of the following special conditions of his/her choice:

1) professional training of citizens of the Republic of Kazakhstan in the speciality of the foreign worker involved;

2) retraining of citizens of the Republic of Kazakhstan on the speciality of the foreign worker involved;

3) professional development of citizens of the Republic of Kazakhstan;

4) creating additional jobs for citizens of the Republic of Kazakhstan in professions that attract foreign workers.

55. The adoption of special conditions shall not be required if the employer has a programme to increase local content in human resources.

56. In the case of intra-company transfers:

of a manager - the employer shall choose one of the conditions prescribed in paragraph 54 hereof;

of a specialist - the employer shall select one of the conditions specified in sub-paragraph 1), 3) and 4) of paragraph 54 hereof.

57. The employer shall accept the number of special conditions in line with the number of permits issued for the recruitment of foreign labour force.

58. Data on accepted special conditions for obtaining or extending a permit shall be filed in the form pursuant to Annex 8 hereto.

59. Terms and conditions of permits for the recruitment of foreign labour force stipulated in:

sub-paragraphs 3) and 4) of paragraph 54 hereof, shall be fulfilled within the period of validity of the permit;

sub-paragraphs 1) and 2) of paragraph 54 hereof shall be commenced within the first six months of the period of validity of the permit.

60. An employer who attracts foreign workers within the framework of intra-corporate transfer shall ensure that the percentage of foreign workers (managers and specialists) attracted within the framework of intra-corporate transfer shall not exceed fifty per cent to the number of Kazakhstani personnel of the relevant category.

Information on local content in personnel when attracting foreign workers within the framework of intra-corporate transfer by the employer shall be provided to the local executive authority in the form as per Annex 9 hereto.

61. When hiring a foreign worker for the positions of heads, the requirements for compliance with the ratio to the number of citizens of the Republic of Kazakhstan shall not apply.

62. A permit to hire foreign labour within the framework of intra-corporate transfer shall not be issued in the following cases:

1) the employer fails to observe the conditions set out in paragraph 60 hereof;

2) establishing that the employer has engaged foreign workers without a permit or engaged a foreign worker in a profession or speciality that does not comply with the profession or speciality specified in the permit. In these cases, no new permits shall be issued within twelve months from the date of the establishment of such a fact;

3) failure to fulfil special terms and conditions of permits issued for the previous and current calendar years, the due date of which has arrived (if any);

4) non-conformity of the level of education (professional training) and practical work experience (length of service) of the foreign labour force with the requirements envisaged by paragraphs 45 and 46 hereof;

5) failure to implement measures (conditions) envisaged by the programme to increase the local content in personnel (if any).

63. A previously issued permit to attract foreign labour as part of an intra-corporate transfer to another foreign worker shall be re-issued if the foreign worker, for whom the permit to attract foreign labour was issued, fails to arrive at the place of work or if the employment contract with him or her is terminated, early termination of the letter or transfer agreement prior to the expiry of the permit to hire foreign labour force with the assignment of a new number when it meets the qualification requirements established for this profession, confirmed by the documents mentioned in the list of requirements for rendering the state service as per Annex 3 hereto.

A re-issued permit shall be valid for the period remaining until the expiry date of the originally issued permit.

64. The decision to reissue a previously issued permit to hire foreign labour force as part of an intra-corporate transfer to another foreign worker shall be taken by the local executive authority within five working days from the date of acceptance of the documents without review at a meeting of the Commission.

65. The validity period of the permit to hire foreign labour as part of intra-corporate transfer may be extended not earlier than sixty calendar days and not later than thirty calendar days prior to the expiry date of the permit.

66. The decision to extend the permit shall be made by the local executive body within five working days from the date of acceptance of documents in compliance with the Rules, without consideration at a meeting of the Commission.

67. The local executive authority shall forward to the employer a notification on extension or refusal to extend the permit term to the employer's 'personal cabinet' in the form of an electronic document within one working day after the day of the decision to extend or refuse to extend the term of the permit to hire foreign labour force within the framework of intra-corporate transfers.

68. The local executive authority shall ensure that data on the stage of rendering a state service are included in the information system for monitoring the rendering of state services in compliance with paragraph 37 hereof.

69. When renewing a permit, the employer shall select one of the special conditions of his /her choice under paragraph 54 hereof.

70. Information on the special conditions adopted for the renewal of the permit shall be furnished in the form in conformity with Annex 8 hereto.

71. Implementation of the conditions of permits for the recruitment of foreign labour force shall be foreseen in line with paragraph 59 hereof.

72. An employer who engages foreign workers as part of an intra-corporate transfer shall ensure a percentage ratio in line with paragraph 60 hereof.

73. A permit to hire foreign labour as part of intra-corporate transfer shall not be extended on the grounds envisaged in sub-paragraphs 1), 2), 3) and 5) of paragraph 62 hereof.

74. The local executive body shall revoke a valid permit to hire foreign labour as part of intra-corporate transfer in the following cases:

1) employing a foreign worker in a profession or speciality that does not correspond to the profession or speciality specified in the permit;

2) non-compliance by the employer with the conditions established by paragraph 60 hereof. Herewith, the local executive body shall revoke the last issued permits, the number of which exceeds the percentages established by paragraph 60 hereof.

Within three working days from the date of withdrawal of the permit, the local executive body shall forward to the territorial body of the Ministry of Internal Affairs of the Republic of Kazakhstan of the region, cities of national importance, and the capital information on the withdrawn permits for the recruitment of foreign labour force as per Annex 10 hereto.

75. Permits to hire foreign labour as part of intra-corporate transfers shall be issued for the period of transfer specified in the employment contract, but not more than three years with the right to extend it no more than once for twelve months.

Should there be no labour agreement, the period of intra-corporate transfer shall be established by a letter or agreement (contract) on intra-corporate transfer, but not exceeding three years with the right to extend it not more than once for twelve months.

76. A permit issued by the local executive authority shall not be transferable to other employers and shall be valid only on the territory of the respective administrative-territorial unit, excluding the assignment by the employer of foreign workers, for whom permits have been obtained, on business trips to enterprises, organisations located on the territory of other administrative-territorial units, for a period not exceeding a total of ninety calendar days within one calendar year..

77. A permit to hire foreign labour as part of an intra-corporate transfer shall expire in the following cases:

1) expiry of the term for which it was issued;

2) withdrawal of a permit;

3) termination of activity of the physical person - employer, liquidation of the legal entity - employer;

4) voluntary return of the permit by the employer to the local executive authority.

78. The local executive authority shall:

1) keep records of foreign employees working as part of intra-corporate transfers;

2) monthly, by the 10th day of the month that follows the reporting period, notify the authorised body on population migration issues, as well as the territorial unit of the authorised state labour authority, of foreign employees working within the framework of intra-corporate transfer.

Footnote. Paragraph 78 as amended by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 390 of 30.09.2024 (shall become effective ten calendar days after the date of its first official publication).

79. To reissue a permit due to a change in the surname, name, patronymic, number and series of the identity document of a foreign employee and in the case of reorganisation of an employer-legal entity of the Republic of Kazakhstan or a branch (representative office) of a foreign legal entity in the form of a merger, consolidation, division, separation or reorganisation, as well as in the case of change of its name or details mentioned in the permit to attract foreign labour force the employer or the person authorized by him/her via PEP shall file an application to the local executive body at the place of employment of foreign labour force, as per Annex 1 hereto, accompanied by the documents mentioned in the list of requirements for rendering the state service as per Annex 2 hereto.

Within five working days from the date of filing the application, the local executive authority shall re-issue the permit with the assignment of a new number.

A notification on the decision of the local executive authority to reissue the permit shall be forwarded to the employer's personal cabinet in the form of an electronic document signed by the EDS of the head of the local executive authority.

80. Employers who have received permits to engage foreign labour force shall report information on the fulfilment of special conditions and the foreign labour force engaged to the local executive authority pursuant to Annex 11 hereto.

81. The employer fails to comply with the special condition of non-arrival of a foreign worker to the place of work for which a permit to hire foreign labour force has been issued.

However, the employer shall send a notification to the local executive body of the non-arrival of the foreign worker.

Chapter 3. Procedure for appealing against decisions, actions (inaction) of the local executive body or its officials on the issue of rendering state services

82. Appealing against decisions, actions (inaction) of the local executive authority and (or) its officials on the issues of rendering state services: the complaint shall be filed to the head of the local executive authority.

An applicant's complaint received by the local executive body shall be reviewed within 5 (five) working days from the date of its registration.

83. Should the employer disagree with the results of the rendered state service, he/she shall apply to the authorised body on migration issues or to the court in compliance with the procedure established by the legislation of the Republic of Kazakhstan.

Annex 1
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
To _____
(name of the local executive authority
of region, city of national importance,
capital)

from _____

(full name of a legal entity
or a natural person)

APPLICATION LETTER

I kindly ask you to issue/extend/re-issue a permit (I) for the recruitment of foreign labour force (underline as appropriate) to _____

(specify region(s), city(s) of national importance, capital city) for _____ persons, including: for the first category - _____ persons, including positions (professions) (specify the period of validity of the permit (when issuing/renewing the permit):

in the second category - _____ persons, of whom by positions (professions):

in the third category - _____ persons, of whom by positions (professions):

in the fourth category - _____ persons, of whom by positions (professions):

for seasonal work - _____ persons, of whom by positions (professions) (specify the period of validity of the permit (if the permit is issued) :

Type of economic activity where foreign labour force will perform labour activity:

When engaging foreign workers transferred as part of intra-corporate transfers:

Region (city):

Number of foreign workers: _____ persons, including:

head _____ persons, position

_____ ;

managers _____ persons, of whom by positions (professions):

_____ ;

experts _____ persons, including by positions (professions):

Name of employer (host organisation):

Details of the employer (host organisation):

Form of ownership of the organisation

Date of creation " ____ " _____ 20 ____.

Certificate of registration with the justice authorities of the Republic of Kazakhstan

(number, when and by whom issued) individual identification number:

business identification number: _____,

Type of activity undertaken:

Category of business entity:

(small/medium/large business entity)

Address, telephone, fax: _____

Attached documents: _____

Justification of the need to issue/extend/re-issue a permit for foreign labour
force recruitment: _____

Full name of the foreign legal entity-employer:

Data on registration in the country of residence:

(№, date of state registration and name of registration authority)

Tax registration number in the country of residence or its analogue:

Type of activity undertaken:

Location in country of residence, telephone number:

Justification of the need to attract foreign labour: _____

When attracting foreign workers pursuant to paragraph 39 of the Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour and for Intra-Corporate Transfer approved under sub-paragraph 14-4) of Article 11 of the Law of the Republic of Kazakhstan “On Migration”:

Full name of the foreign legal entity-employer:

Data on registration in the country of residence:

(№, date of state registration and name of the registration authority)

Tax registration number in the country of residence or its analogue

Type of activity undertaken: _____

Location in country of residence, telephone number:

“I am familiar with the current Rules and Terms for Issuing or Extending Permits to Employers to

Hire Foreign Labour and for Intra-Corporate Transfer”.

I hereby consent to the collection and processing of my personal data required for rendering the state service “Issuance or Extension of Permit to Employers to Engage Foreign Labour Force”.

Head _____

(signature, surname, initials, position)

" ____ " ____ 20 ____

Application accepted for review " ____ " ____ 20 ____

(surname, initials, signature of the responsible person)

Annex 2
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer

List of basic requirements for rendering the state service “Issuance or Extension of Permission for Employers to Hire Foreign Labour”

Name of the state service: “Issuance or Extension of Permit for Employers to Hire Foreign Labour Force”.

Name of sub-type of state service:

1. Issuance of permits for the recruitment of foreign labour for the first, second, third, fourth categories and for seasonal foreign workers;
2. Re-issuance of a permit to hire foreign labour force;
3. Renewal of the permit to attract foreign labour force;
4. Obtaining or re-issuing a permit to engage foreign labour as part of an intra-corporate transfer;
5. Renewal of permission to hire foreign labour as part of intra-corporate transfer;
6. Re-issuance of a permit due to a change in the surname, name, patronymic, number and series of the foreign worker's identity document and in the case of reorganisation of an employer-legal entity of the Republic of Kazakhstan or a branch (representative office) of a foreign legal entity in the form of a merger, consolidation, division, separation or reorganisation, as well as in the case of a change in its name or details specified in the permit to hire foreign labour force.

1	Name of the service provider	Local executive bodies of oblasts, cities of national importance, capital city
2	Ways of rendering the state service	e-government web portal www.egov.kz , www.elicense.kz
3	Term of rendering the state service	<p>The permit shall be issued within 19 working days, including:</p> <p>a notification of the decision to issue /renew a permit for foreign labour force - within 8 (eight) working days ;</p> <p>10 working days for payment of the permit issuance fee, from the date of the decision to issue/renew the permit to hire foreign labour force;</p> <p>re-issuance of the permit - 6 (six) working days;</p> <p>extension of the permit - 3 (three) working days;</p> <p>approval of issuance or renewal of a permit with validity within more than one administrative-territorial unit - 3 (three) working days;</p> <p>notification of the decision to issue or refuse to issue a permit - within 4 (four) working days;</p> <p>the deadline for payment of the permit fee shall be 10 working days from the date of the decision to issue /renew the permit to hire foreign labour force;</p> <p>within the framework of intra-corporate transfer:</p> <p>permit issuance - 8 (eight) working days;</p>

		<p>re-issuance of the permit - 6 (six) working days;</p> <p>prolongation of the permit - 6 (six) working days.</p>
4	Form of rendering a state service	Electronic (fully automated one)
5	Result of rendering a state service	<p>A permit, a re-issued and extended permit to employers to attract foreign labour in the form as per Annex 1 hereof, or a reasoned response on refusal to render a state service.</p> <p>A form of rendering the result of service provision – electronic one.</p>
6	The amount of the fee charged from the employer when rendering a state service and the ways of its collection in cases envisaged by the legislation of the Republic of Kazakhstan	<p>The state service shall be rendered on a paid/free of charge basis to individuals and legal entities.</p> <p>1) the state service on issuance or prolongation of permits to attract foreign labour force shall be rendered on a paid basis pursuant to the rates of fees for issuance or prolongation of permits to attract foreign labour force in the Republic of Kazakhstan, approved by Decree of the Government of the Republic of Kazakhstan № 157 of April 3, 2018 “On Establishing the Rates of Fee for Issuing or Extending Permits to Engage Foreign Labour Force in the Republic of Kazakhstan”;</p> <p>2) the state service of reissuing previously issued permits for the recruitment of foreign labour, as well as issuing, extending or reissuing permits for the recruitment of foreign labour as part of intra-corporate transfer shall be rendered to the employer free of charge.</p> <p>Payment of the tax fee shall be made in cash and non-cash forms via second-tier banks and organisations engaged in certain types of banking operations within 10 (ten) working days from the date of receipt of the notification in the form as per Annex 4 hereof of local executive authorities of oblasts, cities of national importance, and the capital city on their decision to issue or extend the permit to attract foreign labour force to the Republic of Kazakhstan.</p>

		Permits to hire foreign labour for intra-corporate transfers shall be issued or renewed free of charge.
7	Work schedule of the service provider and information objects	<p>The work schedule of the portal - round the clock, excluding technical interruptions due to repair works (when the employer applies after working hours, weekends and holidays, pursuant to the Labour Code of the Republic of Kazakhstan (hereinafter - the Code), acceptance of applications and issuance of the result of the state service shall be performed on the following working day);</p> <p>Local executive authorities of regions, cities of national importance, the capital - from Monday to Friday from 9.00 a.m. to 6.30 p.m., with a lunch break from 1.00 p.m. to 2.30 p.m., excluding weekends and public holidays in compliance with the Code.</p> <p>The addresses of the places of rendering the state service are placed on the Internet resource of local executive authorities of oblasts, cities of national importance, and the capital city.</p> <p>Issuance of permits for the recruitment of foreign labour for the first, second, third, fourth categories and for seasonal foreign workers:</p>
		<p>1. When engaging seasonal foreign workers:</p> <p>application in the form as per Annex 2 hereof (hereinafter - the application), certified by an electronic digital signature (hereinafter - EDS) of the employer;</p> <p>information on foreign employees with indication of surname, name, patronymic (if any) (including Latin letters), date of birth, citizenship, number, date and authority of issue of passport (identity document), country of permanent residence, country of departure, education, name of speciality, compliance with professional standards applied in the Republic of Kazakhstan, Qualification Directory of Positions of Heads, Specialists and Other</p>

Employees, standard qualification specifications of positions of heads, specialists and other employees of organisations, the Unified Tariff and Qualification Directory of Works and Professions of Workers, Tariff and Qualification Specifications of Occupations of Workers and the State Classifier of the Republic of Kazakhstan 01-99 'Classifier of Occupations' (hereinafter - Qualification Requirements) in compliance with sub-paragraph 16-1) of Article 16 of the Code (hereinafter - information on attracted foreign workers);

an electronic copy of the foreign worker's identity document;

a document confirming the payment of the permit fee;

2. When engaging foreign workers in the first, second, third and fourth categories:

an application certified by the employer's EDS;

information on foreign workers attracted;

electronic copies of notarised documents on education and translations (if the document is not in the state or Russian language) legalised in the order established by the legislation of the Republic of Kazakhstan save for cases envisaged by international treaties of the Republic of Kazakhstan that have entered into force;

a notarised electronic copy and translation (if the document is not completed in the state or Russian language) of the contract for the performance of work, rendering of services (if the foreign legal entity-employer operates in the Republic of Kazakhstan without establishing a branch, representative office in compliance with paragraph 39 hereof);

a notarised electronic copy and translation (if the document is not in the state or Russian language) of the document (letter or translation agreement) agreed between the foreign employee and the foreign

legal entity-employer from which the temporary transfer of the foreign employee is made (if a foreign legal entity-employer sends its employees to the Republic of Kazakhstan to perform work, render services in a subsidiary, representative office, branch of a foreign legal entity where such foreign legal entity-employer directly or indirectly holds shares or participatory interests);

an electronic copy of the employer's letter that confirms that the foreign worker's qualifications and professional experience correspond to the position for which he or she is hired;

information on the fulfilment of obligations imposed upon the issuance of permits for the recruitment of foreign labour force for the previous and current calendar years, the due date of which has come (if any);

information on local content in personnel in the form as per Annex 6 hereof (excluding small businesses, state institutions and enterprises, representative offices and branches of foreign legal entities with the number of employees not exceeding 10 persons, foreign workers who arrived for self-employment in the Republic of Kazakhstan in compliance with the requirements for issuance or extension of certificates to a foreigner or stateless person on the compliance of his/her qualifications for self-employment, the list of priority industries (types of economic activity) and professions in demand in them in line with sub-paragraph 14-5) of Article 11 of the Law of the Republic of Kazakhstan 'On Migration', on permits issued within quotas by country of origin, in the presence of international agreements ratified by the Republic of Kazakhstan on cooperation in the field of labour migration and social protection of migrant workers;

List of documents and information required from the service recipient for rendering the state service

a notarised copy of the document on local content conditions for investment priority projects in the prescribed form as per Annex 7 hereof;

information on the commitments undertaken for obtaining and prolongation of authorisations as per paragraph 14 hereof;

an electronic copy of the agreement on rendering services on the territory of the respective administrative-territorial unit (when attracting foreign labour within several administrative-territorial units);

an electronic copy of the letter of the competent authority of the relevant administrative territorial unit on the satisfaction of the need for the requested foreign labour force (when attracting foreign labour force within several administrative territorial units);

an electronic copy of the foreign worker's identity document;

a document confirming the payment of the permit fee;

3. Re-issuance of a permit to attract foreign labour force.

The documents envisaged by paragraph 2 of the list of documents required for rendering the state service of this Standard shall be submitted for re-issuance of the permit for attraction of foreign labour force.

4. Renewal of the permit to attract foreign labour force.

To extend the permit to attract foreign labour force:

an application certified by the employer's EDS;

information on the foreign workers to be attracted;

information on local content in the labour force;

an electronic copy of the foreign worker's identity document;

документ, подтверждающий внесение сбора за выдачу разрешения;

5. Issuance or re-issuance of a permit to hire foreign labour as part of intra-corporate transfer.

To obtain or re-issue a permit to hire foreign labour as part of intra-corporate transfer:

an application certified by the employer's EDS;

an electronic copy of a notarised translation (if the document is not in Kazakh or Russian) of the employment contract (concluded with a legal entity established in the territory of a World Trade Organisation member country, located and operating outside the territory of the Republic of Kazakhstan), or a letter or agreement on intra-corporate transfer concluded with an employer (concluded with a legal entity established in the territory of a member country of the World Trade Organisation, located and operating outside the territory of the Republic of Kazakhstan), with a branch, representative office, affiliate of this legal entity established/registered in the Republic of Kazakhstan;

information on the labour activity of the employee accompanied by supporting documents recognised in the Republic of Kazakhstan;

information on the fulfilment of special conditions of permits to attract foreign labour force issued for the previous and current calendar years, the due date of which has come (if any) (in any form);

an electronic copy of the letter from the foreign legal entity-employer, confirming that the qualifications and professional experience of the foreign employee match the position to which the intra-corporate transfer is made, as well as a letter from the receiving party confirming that the employee possesses the qualifications and professional work experience required;

information on special conditions accepted for obtaining and prolonging permits in the form as per Annex 8 hereof;

information on the local content in the labour force when attracting foreign workers as part of intra-corporate transfer as per Annex 9 hereof;

an electronic copy of the programme for increasing local content in human resources (if any);

an electronic copy of the foreign worker's identity document;

6. Renewal of the permit to hire foreign labour as part of intra-corporate transfer.

To extend the permit to hire foreign labour within the framework of intra-corporate transfer:

an application certified by the employer's EDS;

information on the fulfilment of special conditions of permits issued for the previous and current calendar years, the due date of which has come (if any);

information on the local content in human resources in case foreign workers are attracted as part of intra-corporate transfer;

justification for extending the term of permits;

an electronic copy of the foreign worker's identity document;

information on special conditions accepted.

7. Re-issuance of a permit due to a change in the surname, name, patronymic, number and series of the foreign worker's identity document and in the case of reorganisation of an employer-legal entity of the Republic of Kazakhstan or a branch (representative office) of a foreign legal entity in the form of a merger, consolidation, division, separation or reorganisation, as well as in the case of a change in its name or details specified in the permit to hire foreign labour force.

To reissue a permit due to a change in the surname, name, patronymic, number and series of the identity document of a foreign worker and in case of reorganisation of the employer-legal entity of the

		<p>Republic of Kazakhstan or a branch (representative office) of a foreign legal entity in the form of merger, consolidation, division, separation or reorganisation, as well as in case of a change in its name or details specified in the permit to hire foreign labour force:</p> <p>an application certified by the employer's EDS;</p> <p>electronic copies of documents confirming the change of surname, name, patronymic, number and series of the foreign worker's identity document, reorganisation of the employer-legal entity of the Republic of Kazakhstan or branch (representative office) of a foreign legal entity in the form of merger, consolidation, division, separation or reorganisation, as well as in case of change of its name or details specified in the permit to hire foreign workers.</p>
		<p>To obtain a permit to hire foreign labour force:</p> <p>1) establishment of unreliability of the documents filed by the employer to receive the state service and (or) data (information) contained therein;</p> <p>2) exceeding the size of the allocated quota;</p> <p>3) failure to fulfil obligations to replace foreign labour force in the fourth category;</p> <p>4) non-compliance by the employer with the terms and conditions laid down in paragraph 19 hereof;</p> <p>5) establishment of the fact that the employer has engaged foreign workers without a permit, as well as engagement of a foreign worker in a profession or speciality that does not correspond to the profession or speciality specified in the permit. In these cases, no new permits shall be issued within twelve months from the date of establishment of such fact ;</p> <p>6) non-compliance of the level of education (professional training) and practical work experience (length of service) of the foreign labour force</p>

Grounds for refusal to render a state service established by the legislation of the Republic of Kazakhstan

with the qualification requirements for the professions of workers and positions of managers, specialists and employees in compliance with professional standards, the Unified Tariff and Qualification Directory of Workers and Professions of Workers and the Qualification Directory of Heads, Specialists and Other Employees, standard qualification characteristics of the positions of managers, specialists and other employees of the organisation.

To obtain permission to hire foreign labour as part of intra-corporate transfer:

1) establishment of unreliability of the documents filed by the employer to obtain a state service and (or) data (information) contained therein;

2) non-compliance by the employer with the terms and conditions stipulated in paragraph 60 hereof;

3) establishment of the fact that the employer has engaged foreign workers without a permit, as well as engagement of a foreign worker in a profession or speciality that does not correspond to the profession or speciality specified in the permit. In such cases, no new permits shall be issued within twelve months from the date of establishment of such fact ;

4) failure to fulfil special terms and conditions of permits issued for the previous and current calendar years, the deadline for the fulfilment thereof has come (if any);

5) non-compliance of the level of education (professional training) and practical work experience (length of service) of the foreign labour force with the requirements envisaged in paragraphs 45 and 46 hereof;

6) failure to implement measures (conditions) envisaged by the programme to increase the local content in personnel (if any).

If there is a business identification number and electronic digital signature, it is possible to receive the state service, as well as information

10	Other requirements with due regard to the specifics of rendering a state service, including those rendered in electronic form	on the issuance, re-issuance and renewal of the permit in the remote access mode via the portal. The employer has a possibility to receive information on the procedure and status of rendering the state service in the remote access mode via the ‘personal cabinet’ of the portal, as well as a unified contact centre for rendering state services. Contact telephone numbers of reference centres for providing state services are 1414, 8-800-080-7777.
----	-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Annex 3
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer

(full name of the authority issuing the permit)

Permission to hire foreign labour force

№ _____ of " _____ " _____ 20____

Employer _____

(for a legal entity: name,

address, _____

registration number, date of registration, business identification number

for an individual: surname, first name, patronymic (if any), individual identification
number,
residential address)

Territory(ies) where the permit is valid

Foreign employee _____

(surname, first name, patronymic (if any),

category, _____

position/profession)

(№ of passport/identity card, date and authority of issue)

Working method (permanent, rotational) _____

Grounds for granting a permit _____

Validity of the permit from _____ to _____
(date, month, year) (date, month, year)
signature _____
(surname, initials)

Annex 4
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
from _____

(name of the local executive authority
of the oblast, city of national
importance, capital city) to whom it may
concern

(full name of the legal entity or
an individual and its/his/her address)

Notification

_____,
(name of the local executive authority of the oblast, city of national importance, capital city)
hereby notifies _____

_____,
(full name of a legal entity or an individual)
that a decision has been taken to issue/extend/refuse to issue/refuse to extend a permit to
hire foreign labour force.

In the event of a favourable decision _____

(full name of a legal entity or an individual)
is required to pay a tax levy for _____

(please specify the issuance or renewal of the permit(s))

(specify surname, first name, patronymic (if any)),
category, profession and position, type of economic activity for which the foreign worker is engaged,

region(s) in whose territory the permit(s) is (are) valid and the amount of the tax levy)

The tax fee for issuance or renewal of permits shall be required to be deposited to the following account № _____ budget classification code: 105433.

ATTENTION!

When issuing or prolonging a permit to hire foreign labour force with the validity of more than one administrative-territorial unit, the fee shall be paid to the budget of each administrative-territorial unit specified in the permit.

It is necessary to notify on payment of the tax levy within five working days by filing a copy(s) of the document(s) confirming the payment of the levy with the local executive authority.

Should the employer fail to submit the copy(s) of the document(s) confirming the payment of the fee within five working days from the date of receipt of the notification, the decision of the local executive body to issue the permit shall be cancelled.

Head _____
(signature) (surname, initials) (date: day, month, year)

Annex 5
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer

Form for agreeing with the employer on obligations when issuing permits

№ s/o	Surname, first name, patronymic (if any) of the foreign workers involved	Category, profession (speciality) of foreign workers engaged as per the employer's application	Name of professions (specialities) where foreign workers will be replaced	Deadline for fulfilment of obligations
1	2	3	4	5

(employer's name)

(signature, surname, position)

" ____ " ____ 20 ____

Agreed by: _____

(name of the authorised body)

(signature, surname, position)

" ____ " ____ 20 ____

Annex 6
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
approved by order № 279 of the
Deputy Prime Minister – Minister of
Labour and Social Protection of
Population
of the Republic of Kazakhstan of June 30,
2023

A document form designated for
collection of administrative data

To be filed: with the departments for coordination of employment and social programmes
of oblasts, cities of national importance and the capital city

The administrative data form is available on the Internet resource: www.enbek.gov.kz.

Information on local content in human resources

Footnote. Annex 6 - as revised by order of the Minister of Labour and Social Protection of
Population of the Republic of Kazakhstan № 55 of 28.02.2024 (shall go into effect ten
calendar days after the date of its first official publication).

Form index: 1-MSK

Frequency: non-recurrent

Reporting period: ____ day ____ month ____ year

Persons filing information: legal entities and individuals attracting foreign labour force

Deadline for filing the administrative data form: when applying for the issuance and
renewal of a permit to hire foreign labour force

Document form

№ s/o	Categories of attracted foreign labour force	Number of employees of the employer, persons		Number of foreign labour force planned for recruitment, persons.	column 3+ column 5	column 4+ column 5	% of foreign labour force to the total number of employees, column 7/ column 6* 100%
		Total foreign workers working without foreign labour permits shall not be included)	(Including foreign labour force attracted under permits to attract foreign labour force				

1	2	3	4	5	6	7	8
1	Categories 1 and 2						
2	Categories 3 and 4						
3	TOTAL						

Note: if a foreign worker is counted in column 4, he/she shall not be counted in column 5.

Employer: _____
(signature, surname, initials, position, date)

Annex to the form,
intended for the collection of
administrative data “Information on
Local Content in Human Resources”

Clarification on the completion of the form designed for the collection of administrative data ‘Information on Local Content in Personnel’ (index - 1-MSK, periodicity - non-recurrent)

Column 1 shall contain the number in order, while subsequent information shall not interrupt the numbering in order.;

Column 2 shall include the categories of the foreign labour force to be attracted;

Column 3 shall show the total (foreign workers working without permits to hire foreign labour force shall not be considered) foreign labour force attracted under permits to hire foreign labour force;

Column 4 shall include foreign labour force attracted under permits to attract foreign labour force;

Column 5 shall indicate the number of foreign labour force planned to be attracted, persons;

Column 6 shall reflect the sum of current employees and the sum of foreign workers planned to be attracted;

Column 7 shall specify the sum of attracted and intended for attraction of foreign workers;

Column 8 shall reflect the percentage of foreign labour force to the total number of employees, column 7/column 6*100%.

Annex 7
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer

Conditions on local content in human resources for investment priority projects

№ s/o	Name of the priority project	Categories of attracted foreign labour force	% of Kazakhstani citizens working on the priority project	% of foreign labour force working on the priority project
1	2	3	4	5

1		categories 1		
		categories 2		
		categories 3		
		categories 4		

Terms of local content in staffing for the investment priority project are valid until _____ 20__ year (month)

Agreed by:	Agreed by:	Agreed by:
_____ (Name of the authorised body on migration issues)	_____ (Name of the central public authority)	_____ (Name of local executive authority of the oblast, city of national importance, capital city)
_____ (surname, first name, patronymic (if any), position, signature)	_____ (surname, first name, patronymic (if any), position, signature)	_____ (surname, first name, patronymic (if any), position, signature)

Annex 8
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
approved by order № 279 of the
Deputy Prime Minister – Minister of
Labour and Social Protection of
Population
of the Republic of Kazakhstan of June 30,
2023
A document form designated for
collection of administrative data

To be filed: with the departments for coordination of employment and social programmes of oblasts, cities of national importance and the capital city

The administrative data form may be found on the internet site: www.enbek.gov.kz.

Information on special conditions imposed for the granting or renewal of permits

Footnote. Annex 8 - as revised by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 55 of 28.02.2024 (shall apply upon expiry of ten calendar days after the day of its first official publication).

Form Index: 2-POUPPR

Frequency: non-recurrent

Reporting period: __ date _____ month ____ year

Persons filing information: legal entities and individuals attracting foreign labour force

Deadline for filing the administrative data form: when applying for or renewing permits under special conditions

Document form

			Name of special conditions specifying	
--	--	--	---------------------------------------	--

№ s/o	Surname, first name, patronymic (if any) of the foreign workers involved	Category, profession (speciality) of foreign workers engaged as per the employer's application	the profession (speciality) for which training, retraining and advanced training will be provided and (or) the number of jobs to be created for citizens of the Republic of Kazakhstan	Deadline for fulfilment of special conditions
1	2	3	4	5

Employer: _____
(signature, surname, initials, position, date)

Annex to the form,
intended for the collection of
administrative data “Information on
Local Content in Human Resources”

**Clarification on the completion of the administrative data collection form “Information on Special Conditions Accepted for the Granting or Renewal of Permits” 2-POUPPR
(index - 2-POUPPR, periodicity - non-recurrent)**

column 1 shall indicate the number in order, while subsequent information shall not interrupt the numbering in order;

column 2 shall contain the surname, first name, patronymic (if any) of the foreign workers to be engaged;

column 3 shall specify the category, profession (speciality) of the foreign workers attracted as per the employer's application;

column 4 shall show the name of special conditions with indication of the profession (speciality) in which training, retraining and advanced training will be carried out and (or) the number of jobs to be created for citizens of the Republic of Kazakhstan;

column 5 shall reflect the period of fulfilment of the special conditions.

Annex 9
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
approved by order № 279 of the
Deputy Prime Minister – Minister of
Labour and Social Protection of
Population
of the Republic of Kazakhstan of June 30,
2023

A document form designated for
collection of administrative data

To be provided to: the departments for coordination of employment and social programmes of oblasts, cities of national importance and the capital city

The administrative data form is available on the internet resource: www.enbek.gov.kz.

Information on local content in human resources when attracting foreign workers as part of intra-corporate transfer

Footnote. Annex 9 - as revised by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 55 of 28.02.2024 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).

Form Index: 3-MSKRIRRV

Frequency: non-recurrent

Reporting period: __ date _____ month ____ year

Persons filing information: legal entities and individuals attracting foreign labour force

Deadline for filing the administrative data form: when hiring foreign workers as part of intra-corporate transfers

Document form							
№ s/o	Job titles	Number of employees of the employer, persons		Number of foreign labour force planned to be attracted within the framework of intra-corporate transfer, persons	column 3 + column 5	column 4 + column 5	% of foreign labour force attracted within the framework of intra-corporate transfer to the total number of employees from among Kazakhstani citizens, column 7/ column 6* 100 %
		Total	including: foreign labour force working under permits as part of intra-corporate transfers				
1	2	3	4	5	6	7	8
1	Heads						
2	Specialists						
3	TOTAL						

Note: if a foreign worker is counted in column 4, he/she shall not be counted in column 5.
Employer: _____

(signature, surname, initials, position, date)

Annex to the form,
intended for the collection of
administrative data “Information on
Local Content in Human Resources”

**Clarification on the completion of the form designed for administrative data collection “
Information on Local Content in Personnel in the Involvement of Foreign Workers as part of
Intra-Corporate Transfer”
(index - 3-MSKRIRRV, periodicity - non-recurrent)**

column 1 shall indicate the number in order, while subsequent information shall not interrupt the numbering in order;

column 2 shall indicate the names of positions of the category attracted foreign workers within the framework of intra-corporate transfer;

column 3 shall contain the number of total employees of the employer, persons;

column 4 shall include: foreign labour force working under permits within the framework of intra-corporate transfer;

column 5 shall show the number of foreign labour force planned to be attracted within the framework of intra-corporate transfer, persons;

column 6 shall contain the sum of current employees and foreign workers planned to be engaged;

column 7 shall specify the sum of attracted and planned to be attracted foreign workers;

column 8 shall reflect the percentage of foreign labour force attracted within the framework of intra-corporate transfer to the total number of employees from among Kazakhstani citizens, column 7/ column 6*100 %

Annex 10
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
Document form
To _____
(name of the territorial body of the
Ministry of Internal Affairs of the RK
region, city of national importance, capital
city)
from _____
(name of the local executive body of the
region, city of national importance, capital
city)

Information on revoked permits to hire foreign labour force

Under sub-paragraph _ of paragraph 74 of the Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour, and for Intra-Corporate Transfer, we hereby inform you that

(name of the local executive body of the region, city of national importance, capital city) permit(s) for hiring foreign labour force was (are) withdrawn:

—
(name of the employer, data of the foreign worker: surname, name, patronymic (if any), passport data (number, date of issue), permit number, date of issue of the permit, expiry date of the permit).

(position) (signature) (name, surname)

Annex 11
to the Rules and Terms for Issuing
or Extending Permits to
Employers to Hire Foreign Labour
and for Intra-Corporate Transfer
approved by order № 279 of the
Deputy Prime Minister – Minister of
Labour and Social Protection of
Population
of the Republic of Kazakhstan of June 30,
2023
A document form designated for
collection of administrative data

To be delivered: to the departments for coordination of employment and social programmes of oblasts, cities of national importance and the capital city
The administrative data form is available on the online resource: www.enbek.gov.kz.

Information on the fulfilment of special conditions and the foreign labour force involved

Footnote. Annex 11 - as revised by order of the Minister of Labour and Social Protection of Population of the Republic of Kazakhstan № 55 of 28.02.2024 (shall take effect ten calendar days after the date of its first official publication).

Form index: 4-VOUPIRS

Frequency: non-recurring

Reporting period: __ day _____ month ____ year

Persons filing information: legal entities and individuals attracting foreign labour force

Deadline for filing the administrative data form: when hiring foreign workers as part of intra-corporate transfer

Document form										
		Number o f retraine d Kazakh stani	Number o f Kazakh stani citizens who replaced	Number o f working Kazakh stani citizens	Number of jobs created for Kazakh stani					Number o f working

№ s/o	Full name of the authority issuing the permit	citizens (with indication of surname, name, patronymic (if any), individual identification number)	foreign workers (with indication of surname, name, patronymic (if any), individual identification number)	(with specific indication of surname, name, patronymic (if any), individual identification number)	citizens (specifying surname, name, patronymic (if any), individual identification number)	Number of working foreign labour force	Country of origin	Country classifier	Specialities for which foreign labour force is attracted	Number of working foreign labour force	foreign labour force at the end of the month by type of economic activity
1	2	3	4	5	6	7	8	9	10	11	12
1											

table continued

Number of working foreign labour force without permits to hire foreign labour, including by category		
Country of origin	Specialities for which foreign labour force is attracted	Employer
13	14	15

Employer: _____
(signature, surname, initials, position, date)

Annex to the form for administrative data collection "Information on the Implementation of Special Conditions and Foreign Labour Force Attracted"

Clarification on the completion of the form designed for administrative data collection "Information on the Implementation of Special Conditions and Foreign Labour Force Attracted" (index – 4-VOUPIRS, periodicity - non-recurrent)

column 1 shall specify the number in order, while subsequent information shall not interrupt the numbering in order;

Column 2 shall specify the full name of the authority issuing the permit;

column 3 shall indicate the number of retrained Kazakhstani citizens (specifying surname, first name, patronymic (if any), individual identification number);

column 4 shall contain the number of Kazakhstani citizens who replaced foreign workers (specifying surname, first name, patronymic (if any), individual identification number);

column 5 shall include the number of working Kazakhstani citizens (with indication of surname, name, patronymic (if any), individual identification number);

column 6 shall contain the number of created jobs for Kazakhstani citizens (with indication of surname, name, patronymic (if any), individual identification number);

column 7 shall specify the number of working foreign labour force;
column 8 shall reflect the country of origin of the foreign labour force;
column 9 shall show the classifier of countries of the world, approved by decision № 378 of the Customs Union Commission of September 20, 2010, as per Annex № 22.
column 10 shall indicate the speciality for which the foreign labour force is attracted;
column 11 shall indicate the number of working foreign labour force;
column 12 shall contain the number of working foreign labour force at the end of the month by type of economic activity;
column 13 shall reflect the country of origin of the working foreign labour force without permits to attract foreign labour by category;
column 14 shall specify the speciality for which the foreign labour force of the working foreign labour force without permits for foreign labour force attraction by category is attracted;
column 15 shall reflect the name of the employer of the foreign labour force working without permits for the recruitment of foreign labour by category.

Annex 2 to order №279 of the Deputy
Prime Minister – Minister of Labour and
Social Protection of Population
of the Republic of Kazakhstan
of June 30, 2023

List of some orders of the Ministry of Health and Social Development of the Republic of Kazakhstan and the Ministry of Labour and Social Protection of the Population of the Republic of Kazakhstan that are no longer in force

1. Order of the Minister of Health and Social Development of the Republic of Kazakhstan № 559 of June 27, 2016 ‘On Approval of the Rules and Terms for Issuing or Extending Permits to Employers to Hire Foreign Labour and for Intra-Corporate Transfer’ (recorded in the Register of State Registration of Regulatory Legal Acts under № 14170);
2. Order of the Minister of Health and Social Development of the Republic of Kazakhstan № 1069 of December 15, 2016 ‘On Amendments to Order of the Acting Minister of Health and Social Development of the Republic of Kazakhstan № 559 of June 27, 2016 “On Approval of the Rules and Terms for Issuing and (or) Extension of Permits to Employers to Hire Foreign Labour, and Intra-Corporate Transfer”’ (recorded in the Register of State Registration of Regulatory Legal Acts under № 14555);
3. Order of the Minister of Labour and Social Protection of the Republic of Kazakhstan № 138 of April 17, 2020 ‘On Amendments to Order of the Acting Minister of Health and Social Development of the Republic of Kazakhstan № 559 of June 27, 2016 “On Approval of the Rules and Terms for Issuing and (or) Extension of Permits to Employers to Hire Foreign Labour, and Intra-Corporate Transfer”’ (recorded in the Register of State Registration of Regulatory Legal Acts under № 20429);

4. Order of the Minister of Labour and Social Protection of the Republic of Kazakhstan № 386 of September 30, 2020 ‘On Amendments and Additions to Order of the Acting Minister of Health and Social Development of the Republic of Kazakhstan № 559 of June 27, 2016 “On Approval of the Rules and Terms for Issuing and (or) Extending Permits to Employers to Hire Foreign Labour, and Intra-Corporate Transfer”’ (recorded in the Register of State Registration of Regulatory Legal Acts under № 21353).

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of the Republic of Kazakhstan