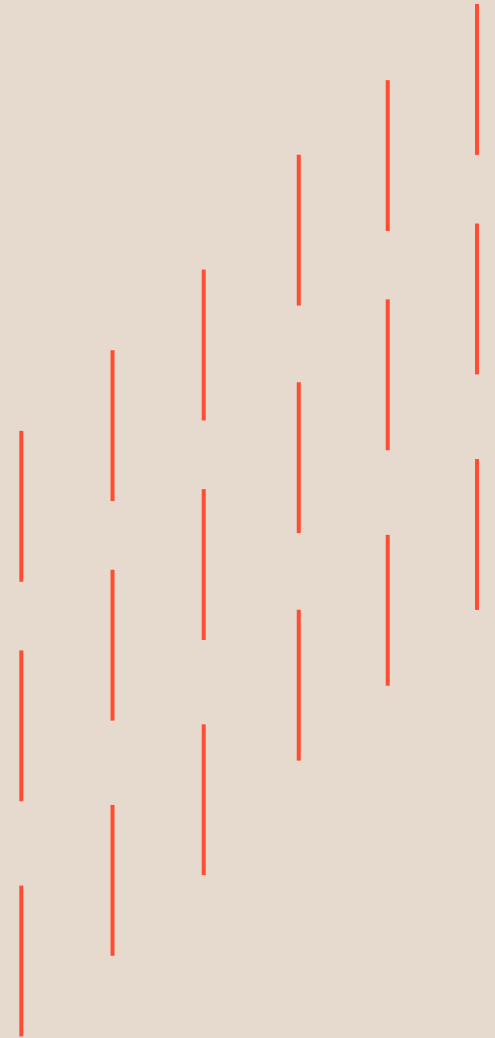


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Checklist: Employing a highly qualified foreign specialist

Dear Colleagues!

This material can be of particular interest to HR directors and business partners, compliance officers, heads of legal departments and other interested people, who are in charge of engaging foreign national employees. In this paper, we focused on the simplified procedure that applies to highly qualified specialists ("**HQS**"). This checklist covers the main steps of engaging, reporting and terminating HQS, in accordance with federal regulations, state authorities' clarifications and best practices in Russia.

In practice, requirements and time frames may slightly differ, depending on exact (territorial) migration authority and temporary measures introduced due to the pandemic spread. Therefore, and given that migration legislation continually develops, *it is advisable to check existing requirements at the date of application of this checklist.*

Please note that this checklist covers special requirements and procedures for HQS and does not include standard HR requirements that are obligatory for all employees.

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ENGAGING A HIGHLY QUALIFIED FOREIGN SPECIALIST

INITIAL STEPS



● Register the company (HQS's potential employer) within the migration authority

The authorized representative of the company shall visit the migration authority in person.

In Moscow, only the General Director of the company, or the Head of the branch/representative office of the foreign company, may apply for such registration. *Please additionally check the requirements in the exact Russian region where the company operates.*

The company may be registered within the separate procedure, or this **may be done simultaneously with submitting documents for the first foreign employee.**



● Obtain the ministry's approval of the HQS's entry to Russia

This is an extra step, **only for foreign nationals from countries which citizens are prohibited to enter Russia**, due to the pandemic (e.g., Canada, Brazil).

The application is submitted to the Russian ministry with the competency in the sphere where the company operates, (e.g., Russian Ministry of Health for a pharmaceutical company).

The proceeding of the documents takes up to 30 days. In practice, this timeframe may be extended, depending on the exact ministry and its workload.

● Check on the official state website "Gosuslugi" whether the entrance of the foreign national was approved and the foreign national was included in the respective list

The approval is granted in the e-form. Further, applying for the work permit is possible only after receiving the approval by the migration authority.

ENGAGING A HIGHLY QUALIFIED FOREIGN SPECIALIST

OBTAINING WORK PERMIT



● Provide the HQS with **additional medical insurance**

● **Conclude an employment contract** containing inter alia:

- HQS status of the employee;
- commencement date by which a work permit shall be obtained;
- salary of at least RUB 167,000 (approx. EUR 1,965 or USD 2,227);
- additional medical insurance with requisites of the insurance certificate.



● Make **a notarized translation of the HQS's passport**

● **Pay the state duty** for obtaining a work permit – RUB 3,500 (approx. EUR 41 or USD 47)



● **Fill in migration forms**, including an application on engaging a HQS and a letter of guarantee

● **Submit the set of documents to the migration authority** (only a person authorized by the PoA, for representing the company within migration authorities, may submit documents)

Please note that the submission is allowed only on specifically-allocated visiting days.



Proceeding documents within the migration authority takes **up to 14 working days**. A work permit's **validity term is up to 3 years**.

● **Notify the migration authority on concluding the employment contract** with the HQS within 3 working days from the respective date

It is advisable to specify the submission date as the date of the contract's conclusion and notify on concluding the contract simultaneously with submitting documents.

ENGAGING A HIGHLY QUALIFIED FOREIGN SPECIALIST

OBTAINING WORK VISA



- Fill in migration forms, including an application for issuing visa invitation and a letter of guarantee

The application shall include, inter alia, the exact Russian consulate where the HQS will apply for his/her visa, date of entry, etc.

- Pay the state duty for issuing visa invitation – RUB 800 (approx. EUR 9 or USD 10)
- Submit the set of documents to the migration authority (only a person authorized by the PoA for representing the company within migration authorities may submit documents)

Processing documents within the migration authority takes up to 14 working days.

- Obtain a short form of the issued invitation (in practice, it can be in the e-form)

- Sent the short invitation's form to the HQS, ask to print it and bring with him/her to the Russian consulate

Further, the HQS shall apply to the Russian consulate in the state of his/her citizenship or residence (this consulate is indicated in the application for visa invitation) for issuing his/her work visa.



Visa may be obtained upon standard, or express (if available) procedure, subject to different consular fees.

A work visa is granted for the work permit's validity term, i.e., for up to 3 years.

ENGAGING A HIGHLY QUALIFIED FOREIGN SPECIALIST

ENTRY AND FINAL STEPS



Upon obtaining the work visa, the HQS may enter Russia.

When passing Russian customs, the HQS obtains his/her filled **migration card**.

The HQS shall visit the respective territorial migration authority **in person** and **obtain the issued work permit** (card).

The work permit card may be obtained at any time, within its validity term. Only after obtaining the work permit (personal visit for receiving it is required) the HQS can commence work upon his/her employment contract.



Register the HQS – notify the migration authority on the HQS's residing address **within 90 days from the arrival date** (if the company is responsible)

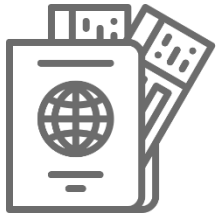
The host party is in charge of registering the HQS in Russia at HQS's place of living. The hotel, owner of the apartment where the HQS lives in Russia, or the **employer (if the HQS lives at its premises) is considered to be the host party**.

The HQS shall be registered within the territorial migration authority (often through multifunctional centers).

After completing registration, the host party obtains the **tear-off part of notification on foreign national's arrival** (or "migration registration") and transfers it to the HQS.

STAYING AND WORKING IN RUSSIA

ON-GOING DUTIES



The HQS shall **always take the following documents with him/her** – they may be checked by the police at any time:

- passport with the visa,
- work permit,
- migration card (valid), and
- migration registration.

The HQS is entitled to leave and re-enter Russia within his/her visa and work permit validity terms. Each time, when entering the country, the HQS obtains a new migration card at the Russian customs while the previous one automatically becomes invalid.



Please note that HQSs, whose entry was approved by the competent ministry (upon temporary procedure) before February 2021, are not currently entitled to re-enter until obtaining an approval under the new procedure that implies being included in the special list available on [official state website "Gosuslugi"](#).



Quarterly notify the migration authority on payment salary to the HQS

The term for submitting documents is **1 calendar month, following the reporting quarter** (e.g., a company shall report the salary payment in a first quarter of a year on before 30 April).



Monthly salary of the HQS cannot be less than RUB 167,000 (approx. EUR 1,965 or USD 2,227) – this is a general rule, there are exceptions for some categories, such as medical workers. Otherwise, the employer may be brought to the administrative liability and/or the work permit may be annulled.



Calculate and transfer social contributions to the state funds, if the HQS obtained the residence permit

PROLONG OR TERMINATE

OPTIONS UPON EXPIRATION OF MIGRATION PERMISSIONS



- Prolong the HQS's work permit for a new three-year term, documents shall be submitted to the migration authority maximum 30 days prior to the work permit's expiration date

Processing an application in the migration authority takes 14 working days.



After obtaining the new work permit, the HQS may apply for the new work visa that shall be obtained before the current one expires (no invitation and/nor leaving Russia is required).

- Alternatively, terminate the HQS upon expiration of his/her work permit and work visa

The HQS may be also be terminated within his/her employment term, upon the general legally-established grounds. Please note that in case of early/pre-term cancellation of the HQS's work permit, his/her employment shall be immediately terminated, since foreign nationals cannot work without valid migration permission.

- Notify the migration authority on the HQS's employment termination within 3 working days from the termination date



ACCOMPANYING FAMILY MEMBERS

STATUS AND APPLICABLE MIGRATION PROCEDURES



Spouse, children under 18 (and disabled children over 18) are considered accompanying family members of the HQS. In order to apply for any migration permissions, they shall provide **evidence of their kinship**, e.g. passports, marriage and birth certificates, etc.

- Prepare the set of documents including passport copies, kinship evidence, migration forms, etc. *Please additionally check the requirements in the exact Russian region.*
- Pay the state duties (RUB 800 – approx. EUR 9 or USD 10) and apply for visa invitations for HQS's family members
 - on a separate basis, after obtaining HQS's work permit and visa, but within their validity terms, or
 - simultaneously with submitting documents for HQS's visa invitation

Migration documents of accompanying family members **directly depend on the HQS's permissions validity** – their visas can be (i) extended if HQS's work permit and visa are prolonged or (ii) annulled in case the latter ones are expiring.

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We hope you find the checklist useful!

ALRUD specialists have extensive expertise and will be glad to provide any legal support with employing highly qualified foreign specialists, including the preparation of necessary employment documents and migration forms, as well as to assist on a turnkey basis with obtaining a work permit and visa invitations, notifying migration authorities on employment/termination or salary payment to the HQS.

