

On determining the list of individuals for whom permits from local executive bodies are not required to attract foreign labor for carrying out labor activities

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated November 24, 2023 № 1041.

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In accordance with subparagraph 8) of paragraph 2 of Article 36-1 of the Law of the Republic of Kazakhstan "On Migration of the Population", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To determine the list of individuals for whom permits from local executive bodies are not required to attract foreign labor for carrying out labor activities, in accordance with Appendix 1 to this resolution.

2. To recognize as invalid certain decisions of the Government of the Republic of Kazakhstan in accordance with Appendix 2 to this resolution.

3. This resolution shall enter into force upon expiration of ten calendar days after the date of its first official publication.

Prime Minister of the Republic of Kazakhstan A. Smailov

Appendix 1
to the Resolution of the Government
of the Republic of Kazakhstan
dated November 24, 2023 № 1041

List of individuals for whom permits from local executive bodies are not required to attract foreign labor for carrying out labor activities

Footnote. The list with amendments introduced by the resolution of the Government of the Republic of Kazakhstan dated 25.07.2024 № 602 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Foreigners and stateless persons:

- 1) fellow countrymen;
- 2) business immigrants having arrived to engage in entrepreneurial activities;
- 3) those who have received refugee status or an asylum seeker certificate;
- 4) those who are immigrants arriving for humanitarian reasons, in accordance with the Law of the Republic of Kazakhstan "On Migration of the Population";

- 5) convicted persons by the courts sentences of the Republic of Kazakhstan to suspended imprisonment, to punishments not involving isolation from society;
- 6) those who are victims of human trafficking for the period of proceedings on a specific criminal case related to human trafficking, until the court's verdict comes into legal force;
- 7) persons entering the Republic of Kazakhstan for the purpose of family reunification, a spouse who has been married for at least three years, recognized by the legislation of the Republic of Kazakhstan, whose inviting persons are citizens of the Republic of Kazakhstan;
- 8) persons studying full-time and simultaneously working in educational institutions of the Republic of Kazakhstan in their free time in accordance with the labor legislation of the Republic of Kazakhstan;
- 9) persons who are citizens of the states - parties to the Treaty on the Eurasian Economic Union dated May 29, 2014;
- 10) persons who are members of the crews of sea and river vessels, air and rail transport;
- 11) persons working as artists, directors, conductors, choirmasters, choreographers, athletes and coaches;
- 12) attracted by the participants and bodies of the International Financial Center "Astana";
- 13) who are specialists in the creation of a space rocket complex and the operation of ground-based space infrastructure facilities, attracted within the framework of international treaties of the Republic of Kazakhstan on cooperation in the field of aerospace activities;
- 14) carrying out pedagogical activities in accordance with international treaties of the Republic of Kazakhstan on cooperation in the field of education in educational organizations of the Republic of Kazakhstan, as well as for those implementing international integrated educational curricula - no more than 50 percent of the organization's staff, unless another share is established by an international treaty;
- 15) from among the teaching staff in educational organizations that have been assigned a special status in the manner established by the legislation of the Republic of Kazakhstan, as well as those working in educational organizations in the positions of managers and teachers, whose qualifications meet the requirements established by the legislation of the Republic of Kazakhstan, and who train personnel for sectors of the economy;
- 16) working as the first heads of Kazakhstan legal entities and their deputies with a 100% share of foreign participation in their authorized capital;
- 17) being on a business trip for business purposes, the duration of which does not exceed a total of one hundred and twenty calendar days during one calendar year;
- 18) working as the first heads of organizations that have concluded contracts with the Government of the Republic of Kazakhstan for an investment amount in monetary equivalent of over 50 million US dollars, and the first heads of legal entities of the Republic of Kazakhstan carrying out investment activities in priority types of activities and have concluded a contract with the authorized investment body;

19) working in a national management holding in positions not lower than heads of structural divisions with higher education with confirmed documents in the manner established by the legislation of the Republic of Kazakhstan;

20) those attracted to work as members of the board of directors of the national management holding;

21) those who have received an investor visa, with the exception of family members and dependents;

22) those working as the managing coordinator of the activities of the special economic zone "TURAN".

Appendix 2
to the Resolution of the Government
of the Republic of Kazakhstan
dated November 24, 2023 № 1041

List of some decisions of the Government of the Republic of Kazakhstan that have recognized as invalid

1. Resolution of the Government of the Republic of Kazakhstan dated December 15, 2016 № 802 "On approval of the Rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution between regions, cities of republican significance, the capital of the Republic of Kazakhstan, determining the list of persons for whose work activities the permit from local executive bodies to attract foreign labor is not required, and recognizing as invalid certain decisions of the Government of the Republic of Kazakhstan."

2. Resolution of the Government of the Republic of Kazakhstan dated April 13, 2018 № 189 "On amendments and supplements to the Resolution of the Government of the Republic of Kazakhstan dated December 15, 2016 № 802 "On approval of the Rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution between the regions of the Republic of Kazakhstan, determining the lists of economic sectors within which intra-corporate transfers are carried out, and individuals for whose work activities the permit from local executive bodies is not required to attract foreign labor, and recognizing as invalid certain decisions of the Government of the Republic of Kazakhstan."

3. Paragraph 1 of the amendments and additions that are made to certain decisions of the Government of the Republic of Kazakhstan, approved by the Resolution of the Government of the Republic of Kazakhstan dated August 11, 2018 № 501 "On amendments and additions to certain decisions of the Government of the Republic of Kazakhstan".

4. Resolution of the Government of the Republic of Kazakhstan dated September 16, 2020 № 590 "On making amendments to the Resolution of the Government of the Republic of Kazakhstan dated December 15, 2016 № 802 "On approval of the Rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution between

the regions of the Republic of Kazakhstan, determining individuals for whose work activities the permit from local executive bodies is not required to attract foreign labor, and recognizing as invalid certain decisions of the Government of the Republic of Kazakhstan."

5. Paragraph 4 of the amendments made to certain decisions of the Government of the Republic of Kazakhstan approved by the Resolution of the Government of the Republic of Kazakhstan dated March 29, 2021 № 169 "On amendments to certain decisions of the Government of the Republic of Kazakhstan".

6. Resolution of the Government of the Republic of Kazakhstan dated April 28, 2022 № 256 "On amendments to the Resolution of the Government of the Republic of Kazakhstan dated December 15, 2016 № 802 "On approval of the Rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution between the regions of the Republic of Kazakhstan, determining individuals for whose work activities the permit from local executive bodies is not required to attract foreign labor, and recognizing as invalid certain decisions of the Government of the Republic of Kazakhstan."

7. Resolution of the Government of the Republic of Kazakhstan dated September 8, 2022 № 666 "On amendments to the Resolution of the Government of the Republic of Kazakhstan dated December 15, 2016 № 802 "On approval of the Rules for establishing a quota for attracting foreign labor to the Republic of Kazakhstan and its distribution between regions, cities of republican significance, the capital of the Republic of Kazakhstan, determining the list of individuals for whose work activities the permit from local executive bodies is not required to attract foreign labor, and recognizing as invalid certain decisions of the Government of the Republic of Kazakhstan."