

On Approval of Terms and conditions of issuance and (or) extension of the permits to employers for the engagement of foreign labour, as well as the implementations of intra-company transfer

Invalidated Unofficial translation

Order of the Healthcare and Social Development Minister of the Republic of Kazakhstan № 559, dated June 27, 2016. Registered in the Ministry of Justice of the Republic of Kazakhstan on August 29, 2016 under № 14170. It became invalid by Order of the Deputy Prime Minister - Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated June 30, 2023 №. 279.

Unofficial translation

Footnote. Expired by Order of the Deputy Prime Minister - Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.06.2023 No . 279 (effective from 01.07.2023).

In accordance with subparagraph 20) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment", with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" I HEREBY ORDER:

Footnote. The preamble is in the wording of the order of the Minister of Labor and Social Protection of Population of the Republic of Kazakhstan dated 17.04.2020 No. 138 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. To attached hereto the Terms and conditions of issuance and (or) extension of the permits to employers for the engagement of foreign labour shall be approved, as well as the implementations of intra-company transfer (hereafter - Terms).

2. The Committee of Labour, Social Protection and Migration of the Ministry of Healthcare and Social Development of the Republic of Kazakhstan, in accordance with the legislation procedure shall provide:

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

2) sending of a copy thereof for official publishing in periodical printed editions and Adilet information legal system within ten calendar days after state registration of this order;

3) sending of copy of this order in printed and electronic format in state and Russian languages within five calendar days from the date of receipt of the registered this order to the Republican state enterprise on the right of operational control "

Republican Center for Legal Information" for inclusion in the reference control bank of regulatory legal acts of the Republic of Kazakhstan;

4) posting of this order on the Internet-resource of the Ministry of Healthcare and Social Development of the Republic of Kazakhstan;

5) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, the submission to the Legal Department of the Ministry of the Healthcare and Social Development of the Republic of Kazakhstan information about the implementation of measures provided by sub-paragraphs 1), 2), 3) and 4) of this paragraph.

3. Supervision of this Order fulfillment shall be entrusted to the Healthcare and Social Development Vice-Minister of the Republic of Kazakhstan, B. B. Nurymbetov

4. This order enters into force from January 1, 2017, with paragraph 40 of the Terms provides until January 1, 2021.

Footnote. Paragraph 4 as amended by the order Minister of Healthcare and Social Development of the Republic of Kazakhstan No. 1069 dated December 15, 2016 (shall be effective from 01.01.2017).

*Acting Minister of Health
and Social Development
of the Republic of Kazakhstan*

E. Birtanov

ACCORD WITH

Acting

Minister of National Economy
of the Republic of Kazakhstan

_____ M. Kussainov

August 1, 2016

ACCORD WITH

Minister of National Economy
of the Republic of Kazakhstan

_____ K. Bishimbayev

_____, 2016

ACCORD WITH

Minister of Internal Affairs
of the Republic of Kazakhstan

_____ K. Kassymov

July 14, 2016

Approved
by order of Health and Social
Development Ministry
of the Republic of Kazakhstan
dated June 27, 2016 No. 559

Rules and conditions for the issuance and (or) extension of permits to employers to engage foreign labor, as well as the implementation of an intra-corporate transfer

Footnote. The Rules are in the wording of the order of the Minister of Labor and Social Protection of Population of the Republic of Kazakhstan dated 17.04.2020 No. 138 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules and conditions for the issuance and (or) extension of permits to employers to engage foreign labor, as well as the implementation of an intra-corporate transfer (hereinafter - the Rules) have been developed in accordance with subparagraph 20) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment" (hereinafter - the Law), with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" and shall determine the procedure and conditions for the issuance and (or) extension of permits to employers to attract foreign labor, as well as the implementation of an intra-corporate transfer.

2. The following basic concepts are used in these Rules:

- 1) vacancy - a vacant workplace (position) at the employer;
- 2) an executive body financed from the local budget - a state institution authorized by the akimat of regions, the cities of Nur-Sultan, Almaty and Shymkent to perform functions to ensure the promotion of employment of the population (hereinafter - the local executive body);
- 3) an employer – an individual or a legal entity with whom the employee has an employment relationship;
- 4) intra-corporate transfer - temporary for a period determined by the employment contract, but not more than three years, with the right to extend for one year transfer of a foreigner or stateless person who works as a head, manager, or specialist in a legal entity established in the territory of a member country of the World Trade Organization, 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 in accordance with the legislation of the Republic of Kazakhstan;
- 5) seasonal foreign employees - immigrants recruited by employers for a period of not more than one year to perform seasonal works, which, due to climatic or other natural conditions, are performed during a certain period (season), according to the list of professions approved in accordance with subparagraph 21 -1) Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment";

6) an authorized body on the issues of public employment - the central executive body, carrying out management and intersectoral coordination in the field of public employment in accordance with the legislation of the Republic of Kazakhstan;

7) an employment center - a legal entity created by the local executive body of the district, cities of regional and republican significance, the capital in order to implement active measures to promote employment, organize social protection against unemployment, and other measures to promote employment;

8) a foreign employee - an immigrant engaged by the employer to carry out labor activities in the territory of the Republic of Kazakhstan;

9) foreign labor force - foreign employees engaged by employers to carry out labor activities, including seasonal foreign employees, as well as within the framework of intra-corporate transfer;

10) quota for engaging foreign labor force - the maximum allowable number of foreign labor force, allowed to be engaged by the employer to carry out labor activities in the territory of the Republic of Kazakhstan;

11) permission to engage foreign labor (hereinafter - permission) - a document of the established form in accordance with Appendix 1 to these Rules, issued by the local executive body to the employer to engage foreign labor to the Republic of Kazakhstan.

Footnote. Paragraph 2 as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.09.2020 No. 386 (shall be enforced from 01.01.2021).

Chapter 2 The procedure and conditions for the issuance and (or) extension of permits to employers to engage foreign labor, as well as the implementation of an intra-corporate transfer

Paragraph 1. The procedure and conditions for the issuance and (or) extension of permits to employers to engage foreign labor

3. To receive a public service "Issuance and (or) extension of permits to employers to engage foreign labor", the employer or a person authorized by him/her shall submit to the local executive body at the place of employment of foreign labor through the "electronic government" web portal www.egov.kz, [www.elicense](http://www.elicense.kz) (hereinafter - PEG) an application, in accordance with Appendix 2 to these Rules, with the attachment of documents specified in the list of documents required for the provision of a public service of the public service standard "Issuance and (or) extension of permits for employers to engage foreign labor "(hereinafter - the public service standard) in accordance with Appendix 3 to these Rules.

4. The list of basic requirements for the provision of a public service, including the characteristics of the process, the form, content, and result of the provision, as well as

other information, taking into account the specifics of the provision of a public service, is given in the public service standard in accordance with Appendix 3 to these Rules.

5. In order to determine the procedure and conditions for the issuance and (or) extension of permits, the following categories of employees shall be established:

1) the first category - heads and their deputies;

2) the second category - heads of structural units that meet the qualification requirements established by professional standards, the qualification directory of positions of managers, specialists, and other employees, the typical qualification characteristics of positions of managers, specialists, and other employees of organizations;

3) the third category - specialists who meet the qualification requirements established by professional standards, the qualification directory of the positions of managers, specialists, and other employees, the typical qualification characteristics of the positions of managers, specialists, and other employees of organizations;

4) the fourth category - qualified employees who meet the qualification requirements established by professional standards, the Unified Tariff and Qualification directory of jobs and professions of employees, tariff and qualification characteristics of professions of employees.

6. The local executive body on the day of receipt of documents shall carry out their reception and registration.

When an employer applies after the end of working hours, on weekends and holidays in accordance with labor legislation, the acceptance of applications and the issuance of the results of the provision of a public service shall be carried out on the next working day.

When an employer submits documents in the "personal account" of the employer, the status of acceptance of the request for the provision of a public service shall be displayed, indicating the date of receipt of the result of a public service.

7. An employee of the local executive body who accepted the application, within three working days from the date of registration of documents, shall check the completeness and accuracy of the package of documents received from the employer.

The employer receives information about identity documents, state registration (re-registration) of a legal entity, and payment of a fee for issuing a permit, from the relevant state information systems through the e-government gateway.

In cases of incomplete submission of documents and (or) non-filling in the established form of documents, as well as submission of expired documents provided for by the standard of public services, the local executive body within the specified time limits prepares a reasoned refusal to further consideration of the application (indicating the full list of documents not submitted and (or) not filled in the prescribed form and other inconsistencies in accordance with the Rules).

A reasoned refusal to further consideration of the application, signed by an electronic digital signature (hereinafter - EDS) of the head of the local executive body shall be sent to the applicant in the form of an electronic document in the "personal account" on the PEG.

If they are complete, the documents shall be submitted for consideration by the Commission for issuing permits to engage foreign labor (hereinafter - the Commission)

8. The decision to issue or refuse to issue a permit shall be made by the local executive body within seven working days from the date of acceptance of documents of the employer.

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

During each meeting of the Commission, a video recording of the consideration of employers' applications shall be kept.

9. The Commission includes representatives of the internal affairs bodies, the education authority and the local labor inspection authority.

10. The employer or his/her representative, at his/her own discretion, participates in the meeting of the Commission. The local executive body shall post information on the date, time and place of the meeting of the Commission on its official Internet resource at least three working days before the date of the meeting.

11. If a decision is made to issue a permit, the local executive body, within one working day after the date of its adoption, shall send a notification to the "personal account" of the employer in the form of an electronic document signed by the EDS of the head of the local executive body in accordance with Appendix 4 to these Rules.

12. When issuing permits for the fourth category, the employer shall carry out the replacement of foreign employees in identical positions with Kazakh citizens from six months to one year.

Coordination with the employer of obligations in the issuance and extension of permits shall be carried out in accordance with Appendix 5 to these Rules.

12-1. Issuance of permits to engage seasonal foreign employees shall be carried out according to the list of professions, determined in accordance with subparagraph 21-1) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment".

Footnote. The Rules are supplemented by paragraph 12-1 in accordance with the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.09.2020 No. 386 (shall be enforced from 01.01.2021).

13. If a decision is made to refuse to issue a permit, the local executive body, within one working day after the date of its adoption, shall send a notification to the employer's "personal account" indicating its grounds in accordance with paragraph 24

of these Rules in the form of an electronic document signed by the EDS of the head of the local executive body in accordance with Appendix 4 to these Rules.

14. The local executive body shall issue permits within the quota distributed by the authorized body on employment issues.

15. The number of valid, previously issued permits in the territory of the relevant administrative-territorial unit does not exceed the number of quotas distributed by the authorized body on employment issues for engaging foreign labor for the corresponding calendar year.

16. Issuance and (or) extension of permits by the local executive body shall be carried out subject to the following conditions:

1) the number of citizens of the Republic of Kazakhstan is not less than 70% of the payroll number of employees belonging to the first and second categories;

2) the number of citizens of the Republic of Kazakhstan is not less than 90% of the payroll number of employees belonging to the third and fourth categories.

When calculating local content in personnel, among foreign employees, citizens of the states parties to the Treaty on the Eurasian Economic Union, ratified by the Law of the Republic of Kazakhstan dated October 14, 2014, shall not be taken into account.

Information on local content in personnel by the employer shall be submitted to the local executive body in the form according to Appendix 6 to these Rules.

17. Paragraph 16 of these Rules shall not apply to:

1) the subjects of small entrepreneurship;

2) state institutions and enterprises;

3) a foreign employee who arrived for independent employment in the Republic of Kazakhstan in accordance with subparagraph 21) of Article 7 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment";

4) permits issued within the framework of quotas by countries of origin, in the presence of international agreements on cooperation in the field of labor migration and social protection of migrant employees ratified by the Republic of Kazakhstan;

5) representative offices and branches of foreign legal entities with no more than 30 employees.

18. The conditions for local content in personnel for priority projects shall be determined by the interested central state bodies in agreement with the local executive body on the territory of which projects are being implemented and the authorized body for employment in the prescribed form according to Appendix 7 to these Rules.

19. For the issuance and (or) extension of a permit, employers shall be charged a tax fee (hereinafter - the fee) in accordance with the rates of the fee, for the issuance and (or) extension of a permit to engage foreign labor to the Republic of Kazakhstan,

approved by the Decree of the Government of the Republic of Kazakhstan dated April 3 2018 No. 157 "On the establishment of fee rates for the issuance and (or) extension of a permit to engage foreign labor to the Republic of Kazakhstan".

20. The employer shall submit the documents confirming the payment of the fee for the issuance of a permit to the local executive body within ten working days from the day of receipt of the notification on the issuance of a permit.

If the employer fails to submit the documents confirming the payment of the fee within ten working days from the date of receipt of the notification to the local executive body, the decision of the local executive body to issue a permit, as well as the validity of the permit, shall be terminated in accordance with subparagraph 5) of paragraph 37 of these Rules.

The notification of refusal shall be sent to the "personal account" of the employer in the form of an electronic document signed by the EDS of the head of the local executive body in accordance with Appendix 4 to these Rules.

21. The local executive body shall form and send to the employer's "personal account" a permit in the form of an electronic document signed by the EDS of the head of the local executive body from the day of receipt of documents confirming the payment of the fee for the issuance of a permit.

22. Permits to engage foreign labor force shall be issued for the period:

1) for the first category - on the basis of an application from the employer for one, two or three years, with the right to extend the period of the permit for one, two or three years;

2) for the second and third categories - for twelve months, with an extension for a period of twelve months, but not more than three times;

3) for the fourth category - for twelve months without the right to extend;

4) for seasonal foreign employees - up to ninety, one hundred and eighty, two hundred seventy, three hundred and sixty-five calendar days, without the right to extend.

Footnote. Paragraph 22 is in the wording of the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.09.2020 No . 386 (shall be enforced from 01.01.2021).

23. The provisions of these Rules applicable to foreign employees shall also apply to foreigners and stateless persons engaged to work in the Republic of Kazakhstan as part of an internal corporate transfer or in accordance with paragraph 35 of these Rules.

24. Permission to engage foreign labor shall not be issued in the following cases:

1) exceeding the size of the distributed quota;

2) non-observance by the employer of conditions established by paragraph 16 of these Rules;

3) failure to fulfill obligations to replace foreign labor in the fourth category;

4) establishing the fact that the employer engaged foreign employees without a permit, as well as engaging a foreign employee by profession or specialty that does not correspond to the profession or specialty specified in the permit. In these cases, within twelve months from the date of establishing such a fact, no new permits shall be issued ;

5) non-compliance of the level of education (professional training) and experience (length of service) of practical work of the foreign labor force with the qualification requirements for the professions of employees and positions of managers, specialists and employees, in accordance with professional standards, the Unified Tariff and qualification directory of jobs and professions of employees and Qualification directory of managers, specialists and other employees, standard qualification characteristics of positions of managers, specialists and other employees of organizations.

25. Re-issuance of a previously issued permit for another foreign employee shall be allowed if the foreign employee, for whom the permit was issued, does not arrive at the place of work or the employment contract is terminated with him/her, the letter or transfer agreement is prematurely terminated before the expiration of a permit to engage a foreign working force with the assignment of a new number, subject to its qualification requirements approved in the manner provided for in subparagraph 16-1) of Article 16 of the Labor Code of the Republic of Kazakhstan dated November 23, 2015, established for this profession for the period remaining until the expiration of the originally issued permit, in the manner, established by these Rules.

At the same time, the employer shall send to the local executive body the documents for a foreign employee, for whom the permit is being reissued, provided for by these Rules. The initially issued permit shall be subject to termination in accordance with subparagraph 6) of paragraph 37 of these Rules.

26. The decision to reissue a previously issued permit for another foreign employee shall be made by the local executive body within five working days from the date of receipt of the documents, without consideration at a meeting of the Commission.

Notification of the decision of the local executive body to reissue a permit shall be sent to the "personal account" of the employer in the form of an electronic document signed by the EDS of the head of the local executive body.

27. Extension of the validity of the permit shall be allowed no earlier than sixty calendar days and no later than thirty calendar days before the expiration of the permit.

28. The local executive body, on the basis of the submitted documents, within three working days from the date of acceptance of the documents, shall make a decision to extend the period of the permit to engage foreign labor or to refuse to extend it.

In case of a positive decision of the local executive body to extend the validity of the permit, the permit shall be extended for twelve months, while the validity of the permit begins on the day the previously issued permit expires.

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

28-1. The permit to engage foreign labor shall not be extended in the following cases:

- 1) exceeding the size of the distributed quota;
- 2) non-observance by the employer of conditions established by paragraph 16 of these Rules;
- 3) failure to fulfill obligations to replace foreign labor in the fourth category;
- 4) establishing the fact that the employer engaged foreign employees without a permit, as well as engaging a foreign employee by profession or specialty that does not correspond to the profession or specialty specified in the permit. In these cases, permits shall not be extended within twelve months from the date of establishment of such a fact.

Footnote. The Rules are supplemented by paragraph 28-1 in accordance with the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.09.2020 No. 386 (shall be enforced from 01.01.2021).

29. The local executive body shall send the employer a notification on extension or refusal to extend the period of the permit to the "personal account" of the employer in the form of an electronic document within one working day after the decision on the extension is made, or on the refusal to extend the period of the permit to engage foreign labor.

30. From the date of receipt of the notification on the extension of the permit, the employer shall, within ten working days, submit to the local executive body documents confirming the payment of the fee for the extension of the permit.

31. If the employer fails to submit documents confirming the payment of the fee within ten working days from the date of receipt of the notification to the local executive body, the local executive body shall decide to terminate the permit to engage foreign labor and send a notification on refusal to the "personal account" of the employer.

32. The local executive body shall form and send to the "personal account" of the employer a permit in the form of an electronic document signed by the EDS of the head of the local executive body from the date of receipt of the documents confirming the payment of the fee for the extension of the permit within one working day.

33. The local executive body shall ensure the entry of data on the stage of provision of a public service into the information system for monitoring the provision of public

services in the manner established by the authorized body in the field of informatization.

When providing a public service through the state information system of permits and notifications, data on the stage of provision of a public service shall automatically be sent to the information system for monitoring the provision of public services.

34. The permit issued by the local executive body shall not be subject to transfer to other employers, it is valid only on the territory of the corresponding administrative-territorial unit.

At the same time, it is allowed for the employer to send foreign employees, for whom permits have been obtained, on a business trip to enterprises, and organizations located on the territory of other administrative-territorial units, for a period that does not exceed a total of ninety calendar days within one calendar year.

35. In the event that a foreign legal entity-employer, carrying out its activity in the Republic of Kazakhstan without establishing a branch, or representative office, sends its employees to the Republic of Kazakhstan under a contract for the performance of work, provision of services, or if a foreign legal entity-employer sends its employees to the Republic of Kazakhstan to perform works, provide services to a subsidiary, representative office, branch of a foreign legal entity in which such a foreign legal entity-employer directly or indirectly has shares or participation interests, then the authorized person of the host party through the PEG shall submit to the local executive body at the place of employment of foreign labor force an application, in accordance with Appendix 2 to these Rules, with the attachment of documents specified in the list of documents required for the provision of a public service of the public service standard in accordance with Appendix 3 to these Rules.

The issuance of permits shall be established in the manner prescribed by paragraphs 8, 11, 13, 20, 21 and 24 of these Rules.

For the period of performance of works, provision of services in accordance with this paragraph of the Rules, labor relations shall be regulated by a document (letter or agreement on transfer) agreed between a foreign employee and a foreign legal entity-employer, from which a temporary transfer of a foreign employee is carried out.

36. When engaging a foreign employee in a profession or specialty that does not correspond to the profession or specialty specified in the permit, as well as if the employer fails to comply with the conditions established by paragraph 16 of these Rules, the local executive body shall revoke the current permit to engage foreign labor.

At the same time, the local executive body revokes the last issued permits, the number of which exceeds the percentages established by paragraph 16 of these Rules.

37. A permit to engage foreign labor shall be terminated in the following cases:

- 1) the expiration of the period for which it was issued;
- 2) revocation of the permit;

- 3) termination of activities of an individual - employer, liquidation of a legal entity - employer;
- 4) voluntary return of the permit by the employer to the local executive body;
- 5) in case of failure to submit copies of documents confirming the payment of the fee for the issuance and extension of the permit;
- 6) re-issuance of a permit for another foreign employee.

The local executive body, within three working days from the date of the decision to terminate the permit provided for in subparagraphs 2), 3), 4), and 6) of this paragraph, shall send information to the territorial body of the Ministry of Internal Affairs of the Republic of Kazakhstan (hereinafter - the Ministry of Internal Affairs of the Republic of Kazakhstan) of the region, city Nur-Sultan, Almaty and Shymkent on the termination of the permit.

38. The provisions of these Rules applying to the employers shall also apply to legal entities, branches, and representative offices of a foreign legal entity registered in the Republic of Kazakhstan, engaging foreign labor as part of an intra-corporate transfer or in accordance with paragraph 35 of these Rules.

Paragraph 2. Conditions and procedure for the issuance and (or) extension of permits to engage foreign labor carried out as part of an intra-corporate transfer

39. For the period of intra-corporate transfer, a foreign employee shall be subject to the working time and rest time regime, as well as the requirements for compliance with the safety and labor protection of the receiving party, while labor relations are regulated by an employment contract (or other document confirming labor relations) agreed between the foreign employee and the legal entity from which the intra-corporate transfer is carried out.

40. The issuance and (or) extension of permits to engage foreign labor carried out as part of an intra-corporate transfer shall be carried out free of charge.

41. In order to determine the conditions for engaging foreign employees as part of an intra-corporate transfer, the following categories of employees shall be established:

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

42. A permit to engage foreign employees as part of an intra-corporate transfer shall be issued subject to the head, manager and specialist having at least one year of work experience in a legal entity established on the territory of a country - a member of the World Trade Organization, located and operating outside the territory of the Republic of Kazakhstan, within the framework of which an internal corporate transfer is carried out, and the compliance of foreign employees with the qualification requirements in accordance with the qualification directory of positions of managers, specialists and other employees used in the Republic of Kazakhstan, the typical

qualification characteristics of positions of managers, 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 employee is transferred internally about his/her qualifications and professional experience, as well as a letter from the receiving party confirming that the employee has the necessary qualifications and professional work experience.

The positions of heads and managers transferred as part of an intracorporate transfer must comply with the qualification requirements established for the positions of heads in accordance with the Qualification directory for the positions of managers, specialists, and other employees, the typical qualification characteristics of the positions of managers, specialists, and other employees, as well as the State classifier of the Republic of Kazakhstan 01 -99 "Classifier of Occupations".

The positions of specialists transferred as part of an intracorporate transfer must comply with the qualification requirements established for the positions of employees (specialists) in accordance with the Qualification directory for the positions of managers , specialists, and other employees, the typical qualification characteristics of the positions of managers, specialists and other employees of organizations, as well as the State classifier of the Republic Kazakhstan 01-99 "Classifier of occupations".

43. The search for appropriate candidates in the domestic labor market shall be carried out by the employer by sending information on the availability of vacant jobs (vacant positions) to the employment center at the place of employment of foreign labor in accordance with the Law of the Republic of Kazakhstan dated April 6, 2016 "On Public Employment".

The local executive body shall carry out acceptance of the employer's application for issuing a permit to engage foreign labor not earlier than fifteen calendar days and not more than sixty calendar days from the date of submission of information about the availability of vacant jobs (vacant positions).

44. In order to obtain a permit to engage foreign employees as part of an intra-corporate transfer, the employer, or a person authorized by him/her, through the PEG, shall submit to the local executive body at the place of employment of the foreign labor force an application, in accordance with Appendix 2 to these Rules, with the documents specified in the list of documents required for the provision of a public service of the public service standard in accordance with Appendix 3 to these Rules.

45. The local executive body shall carry out their acceptance and registration on the day of receipt of documents.

When the employer applies after the end of working hours, on weekends and holidays in accordance with labor legislation, the acceptance of applications and the issuance of the results of the provision of public services shall be carried out on the next working day.

When the employer submits documents in the "personal account" of the employer, the status of acceptance of the request for the provision of a public service shall be displayed, indicating the date of receipt of the result of a public service.

46. An employee of the local executive body who accepted the application, within three working days from the date of registration of documents, shall check the completeness and accuracy of the package of documents received from the employer and in cases of incomplete submission and (or) not filling in the prescribed form of the documents provided for in paragraph 44 of these of the Rules, as well as establishing the unreliability of the submitted documents and (or) data (information), shall refuse in further consideration of the application in accordance with paragraph 7 of these Rules.

47. The decision to issue or refuse to issue a permit to engage foreign employees as part of an intra-corporate transfer shall be made by the local executive body within seven working days from the date of acceptance of the documents of the employer.

The local executive body shall make a decision based on the recommendations of the Commission, in accordance with paragraph 8 of these Rules.

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

49. If a decision is made to issue a permit to engage foreign employees as part of an intracorporate transfer, the local executive body shall send a notification to the employer's "personal account" in the form of an electronic document signed by the EDS of the head of the local executive body in accordance with Appendix 4 to these Rules.

50. If a decision is made to refuse to issue a permit to engage foreign employees as part of an intracorporate transfer, the local executive body shall send a notification to the employer's "personal account" indicating its grounds in accordance with paragraph 59 of these Rules in the form of an electronic document signed by the EDS of the head of the local executive body in accordance with Appendix 4 to these Rules.

51. When issuing a permit, the employer, with his/her consent, shall be subject to one of the following special conditions at his/her choice:

1) professional training of citizens of the Republic of Kazakhstan in the specialty of the involved foreign employee;

2) retraining of citizens of the Republic of Kazakhstan in the specialty of the involved foreign employee;

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

4) creation of additional jobs for citizens of the Republic of Kazakhstan in the specialties for which foreign employees are involved.

52. Acceptance of special conditions is not required if the employer has a program to increase local content in staff.

53. In case of intra-corporate transfer of:

a manager - the employer chooses one of the conditions provided for in paragraph 51 of these Rules;

a specialist - the employer chooses one of the conditions provided for in subparagraphs 1), 3), and 4) of paragraph 51 of these Rules.

54. The local executive body imposes on the employer a number of special conditions in accordance with the number of permits issued to engage foreign labor.

55. Information on the accepted special conditions for obtaining a permit shall be submitted in the form according to Appendix 8 to the Rules.

56. Fulfillment of the conditions of permits to engage foreign labor, provided for by:

subparagraphs 3) and 4) of paragraph 51 of these Rules, is carried out during the period of validity of the permit;

subparagraph 1) and 2) of paragraph 51 of these Rules, begins within the first six months of the validity of the permit.

57. An employer engaging foreign employees as part of an intra-corporate transfer shall ensure the percentage of foreign employees (managers and specialists) engaged as part of an intra-corporate transfer, which is not more than fifty percent of the number of Kazakhstani personnel of the corresponding category.

Information on local content in personnel when engaging foreign employees as part of an intra-corporate transfer by the employer shall be submitted to the local executive body in the form according to Appendix 9 to these Rules.

58. When engaging a foreign employee to the positions of heads, the requirements for compliance with the ratio to the number of citizens of the Republic of Kazakhstan shall not be applied.

59. Permission to attract foreign labor as part of an intra-corporate transfer shall not be issued in the following cases:

1) non-compliance by the employer with the conditions established by paragraph 57 of these Rules;

2) establishment of the fact that the employer has engaged foreign employees without a permit, as well as engaging a foreign employee by profession or specialty that does not correspond to the profession or specialty specified in the permit. In these cases, within twelve months from the date of establishing such a fact, no new permits shall not be issued;

3) failure to comply with the special conditions of permits issued for the previous and current calendar years, the deadline for which has come (if any);

4) non-compliance of the level of education (professional training) and experience (length of service) of practical work of the foreign labor force with the requirements provided for in paragraphs 41 and 42 of these Rules;

5) non-fulfillment of measures (conditions) provided for by the program to increase local content in personnel (if any).

60. Re-issuance of a previously issued permit to engage foreign labor as part of an intra-corporate transfer to another foreign employee shall be carried out in the event of a non-arrival of a foreign employee, for whom a permit was issued to engage foreign labor, to the place of work or termination of an employment contract with him/her, early termination the validity of the letter or transfer agreement until the expiration of the permit to engage foreign labor force with the assignment of a new number if it meets the qualification requirements established for this profession, confirmed by the documents specified in the list of documents required for the provision of a public service of the public service standard in accordance with Appendix 3 to these Rules.

The reissued permit shall be issued for the period remaining until the expiration of the originally issued permit.

61. The decision to reissue a previously issued permit to engage foreign labor as part of an intra-corporate transfer to another foreign employee shall be made by the local executive body within five working days from the date of acceptance of the documents without consideration at a meeting of the Commission.

62. Extension of the validity period of a permit to engage foreign labor as a part of an intra-corporate transfer shall be allowed no earlier than sixty calendar days and no later than thirty calendar days before the expiration of the permit.

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

64. The local executive body shall send the employer a notification on extension or refusal to extend the period of the permit to the "personal account" of the employer in the form of an electronic document within one working day after the decision on the extension is made, or on the refusal to extend the period of the permit to engage foreign labor as a part of an intra-corporate transfer.

65. The local executive body shall ensure that data on the stage of provision of a public service is entered into the information system for monitoring the provision of public services in accordance with paragraph 33 of these Rules.

66. When extending the permit, the employer, with his/her consent, shall be assigned one of the special conditions on his/her choice according to paragraph 51 of these Rules.

67. Information on the accepted special conditions for the extension of the permit shall be submitted in the form according to Appendix 8 to the Rules.

68. The fulfillment of the conditions of permits to engage foreign labor shall be provided for in accordance with paragraph 56 of these Rules.

69. An employer engaging foreign employees as part of an intra-corporate transfer provides a percentage ratio in accordance with paragraph 57 of these Rules.

70. When attracting a foreign employee to the positions of heads, the requirements for compliance with the ratio to the number of citizens of the Republic of Kazakhstan shall not be applied.

71. Permission to engage foreign labor as part of an intra-corporate transfer shall not be extended in the cases provided for in subparagraphs 1), 2), 3), 5) of paragraph 59 of these Rules.

Footnote. Paragraph 71 is in the wording of the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 30.09.2020 No . 386 (shall be enforced from 01.01.2021).

72. The local executive body revokes the current permit to engage foreign labor as part of an intra-corporate transfer in the following cases:

1) engaging a foreign employee in a profession or specialty that does not correspond to the profession or specialty specified in the permit;

2) non-observance by the employer of the conditions established by paragraph 57 of these Rules. At the same time, the local executive body revokes the last issued permits, the number of which exceeds the percentages established by paragraph 57 of these Rules.

The local executive body, within three working days from the date of revocation of the permit, shall send information to the territorial body of the Ministry of Internal Affairs of the Republic of Kazakhstan of the region, the cities of Nur-Sultan, Almaty and Shymkent about the revoked permits to engage foreign labor in accordance with Appendix 10 to these Rules.

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

In the absence of an employment contract, the term of an intra-corporate transfer shall be determined by a letter or agreement (contract) on an intra-corporate transfer, but not more than three years with the right to extend it no more than once for twelve months.

74. The permit issued by the local executive body shall not be subject to transfer to other employers, it is valid only on the territory of the relevant administrative-territorial unit, with the exception of sending foreign employees for whom permits have been obtained on a business trip to enterprises, organizations located on the territory of other administrative-territorial units by the employer, for a period that does not exceed a total of ninety calendar days within one calendar year.

75. Permission to engage foreign labor as part of an intra-corporate transfer terminates in the following cases:

- 1) the expiration of the period for which it was issued;
- 2) revocation of the permit;
- 3) termination of activities of an individual - employer, liquidation of a legal entity - employer;
- 4) voluntary return of the permit by the employer to the local executive body.

76. The local executive body shall:

- 1) keep records of foreign employees working as part of an intra-corporate transfer;
- 2) inform the authorized body on employment issues, as well as the local labor inspection body about foreign employees working as part of an intracorporate transfer on a monthly basis, before the 10th day of the month following the reporting period.

77. To reissue a permit in connection with a change in the surname, name, patronymic, number and series of the identity document of a foreign employee and in the event of reorganization 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, accession, division, separation or transformation, as well as in the event of a change in its name or details specified in the permit to engage foreign labor, the employer or a person authorized by him/her, through the PEG, shall submit an application in accordance with Appendix 2 to these the Rules, with the attachment of the documents specified in the list of documents required for the provision of a public service of the public service standard in accordance with Appendix 3 to these Rules to the local executive body at the place of employment of the foreign labor force.

The local executive body, within five working days from the date of submission of the application shall reissue the permit with the assignment of a new number.

Notification on the decision of the local executive body to reissue the permit shall be sent to the "personal account" of the employer in the form of an electronic document signed by the EDS of the head of local executive body.

78. Employers who have received permits to engage foreign labor shall provide information on the fulfillment of special conditions and engaged foreign labor to the local executive body in accordance with Appendix 11 to these Rules.

79. The employer does not fulfill a special condition in case of non-arrival of a foreign employee to the place of work for whom a permit to engage foreign labor was issued.

At the same time, the employer shall send a notification to the local executive body about the non-arrival of a foreign employee.

Chapter 3 The procedure for appealing decisions, actions (inaction) of the local executive body and (or) its officials on the provision of a public service

80. Appeal against decisions, actions (inactions) of the local executive body and (or) its officials, on the provision of public services: the complaint shall be filed in the name of the head of the local executive body.

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

In case of disagreement with the results of the provided public service, the employer shall file a complaint with the authorized body for assessing and monitoring the quality of the provision of public services.

The complaint of the employer, received by the authorized body for the assessment and control over the quality of provision of public services, shall be subject to consideration within 15 (fifteen) working days from the date of its registration.

In cases of disagreement with the results of the provided public service, the employer shall apply to the authorized body on the issues of public employment or to the court in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Appendix 1
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

__ (full name of the authority issuing the permit) PERMISSION to engage foreign labor

No. __ dated " __ " _____ 20__

Employer _____

(for a legal entity: name, address,

registration number, date of registration, business identification number

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

Territory where the permit is valid _____

Foreign employee _____

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

position/profession)

(№ of the passport/ID, date and issuing authority)

Method of work (permanent, shift) _____

Grounds for issuing a permit _____

The period of validity of the permit is from _____ to _____

(day, month, year) (day, month, year)

signature _____

(surname, initials)

Appendix 2
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

To _____

(name of the local executive body
of the region, the city of Nur-Sultan,
Almaty, Shymkent)

from _____

(full name of a legal entity or an individual)

APPLICATION

Footnote. Appendix 2 is in the wording of the order of the Minister of Labor and Social Protection of Population of the Republic of Kazakhstan dated 30.09.2020 No. 386 (shall be enforced from 01.01.2021).

I hereby ask to issue/extend/reissue the permission to engage foreign labor force (underline as appropriate) to _____

region (city) per _____ people, including: in the first category - ____ people, of them by positions (professions) (indicate the period of validity of the permit (when issuing/extending the permit):

in the second category - ____ people, of them by positions (professions):

in the third category - ____ people, of them by positions (professions):

in the fourth category - ____ people, of them by positions (professions):

for seasonal works - ____ people, of them by positions (professions), (specify the period

of validity of the permit (when issuing a permit):

Type of economic activity in which the foreign labor force will carry out labor activity:

When engaging foreign employees transferred as part of an intra-corporate transfer:

Region (city): _____

_____.

Number of foreign employees: _____ people, including: head ____ people, position

_____;

managers ____ people, of them by position (profession):

_____;

specialists ____ people, of them by position (profession):

Name of employer (host organization):

Information about the employer (host organization):

Form of ownership of the organization

Creation date " ____ " _____ 20 ____.

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

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

business identification number: _____

Type of activity carried out:

Category of business entity:

(subject of small/medium/large entrepreneurship)

Address, phone, fax:

Attached documents: _____

Justification for the need to issue/extend/reissue a permit for
engaging foreign labor force: _____

When engaging foreign employees transferred as part of an intra-corporate transfer
Full name of a foreign legal entity-employer: _____

Registration data 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 equivalent: _____

Type of activity carried out: _____

Location in the country of residence, telephone: _____

Justification for the need to engage foreign labor: _____

When engaging foreign employees in accordance with paragraph 35 of the Rules
and
conditions for issuance and (or) extension of permits for engaging foreign labor, as
well as

carrying out intra-corporate transfer:

Full name of a foreign legal entity-employer:

Registration data 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 equivalent

Type of activity carried out: _____

Location in the country of residence, telephone:

"I am familiar with the current Rules and conditions for the issuance and (or)
extension of permits to engage foreign labor, as well as carrying out intra-corporate
transfer."

I hereby agree to the collection and processing of my personal data necessary for
the provision of a state service "Issuance and (or) extension of permits for employers to
engage foreign labor force".

Head _____

(signature, surname, initials, position)

" ____ " _____ 20__

The application was accepted for consideration on " ____ " _____ 20__.

(surname, initials, signature of the responsible person)

labor, as well as the implementation
of an intra-corporate transfer

Footnote. Appendix 3 is in the wording of the order of the Minister of Labor and Social Protection of Population of the Republic of Kazakhstan dated 30.09.2020 No. 386 (shall be enforced from 01.01.2021).

Standard of a state service "Issuance and (or) extension of a permit for employers to engage foreign labor" (hereinafter - the Standard)		
1	Name of the service provider	Local executive bodies of regions, cities of Nur-Sultan, Almaty and Shymkent
2	Methods to provide a public service	e-government web portal www.egov.kz , www.elicense.kz
3	The term for the provision of a public service	<p>Issuance of a permit shall be carried out within 19 working days, of which:</p> <p>notification of the decision to issue/extend the permit to engage foreign labor - within 8 (eight) working days ;</p> <p>the deadline for paying the fee for issuing a permit is 10 working days from the date of making the decision to issue/extend the permit to engage foreign labor;</p> <p>reissuance of a permit - 6 (six) working days;</p> <p>extension of a permit:</p> <p>notification of the decision to issue or refuse to issue a permit - within 4 (four) working days;</p> <p>the deadline for paying the fee for issuing a permit is 10 working days from the date of making the decision to issue/extend the permit to engage foreign labor;</p> <p>as part of an intra-corporate transfer:</p> <p>issuance of a permit - 8 (eight) working days;</p> <p>reissuance of a permit - 6 (six) working days;</p> <p>extension of a permit - 6 (six) working days.</p>
4	Form of the provision of a public service	Electronic (fully automated)
5	The result of the provision of a public service	A permit, a reissued and extended permit for employers to engage foreign labor in the form according to Appendix 1 of these Rules, or a reasoned response to refuse on the provision of a public service.

		The form of providing a result of the provision of a service - electronic.
	The amount of payment collected from the employer in the provision of a public service, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	<p>The public service shall be provided for a fee/free of charge to individuals and legal entities.</p> <p>1) a public service for the issuance and (or) extension of permits to engage foreign labor shall be provided on a paid basis in accordance with the rates of collection, for the issuance and (or) extension of a permit to engage foreign labor to the Republic of Kazakhstan, approved by the Decree of the Government of the Republic of Kazakhstan dated 3 April 2018 No. 157 "On the establishment of fee rates for the issuance and (or) extension of a permit to engage foreign labor to the Republic of Kazakhstan";</p> <p>2) a public service for reissuing previously issued permits for engaging foreign labor, as well as for issuing, extending and (or) reissuing permits for engaging foreign labor as part of an intra-corporate transfer, shall be provided to the employer free of charge.</p> <p>Payment of the tax fee shall be carried out in cash and non-cash forms through second-tier banks and organizations carrying out certain types of banking operations within 10 (ten) working days from the date of receipt of the notification in the form according to Appendix 4 of the Rules of local executive bodies of regions, cities of Nur-Sultan, Almaty and Shymkent on its decision to issue or extend a permit to engage foreign labor to the Republic of Kazakhstan.</p> <p>The issuance and (or) extension of permits to engage foreign labor carried out as part of an intra-corporate transfer shall be carried out free of charge.</p>
		The portal's work schedule is around the clock, with the exception of technical breaks due to repair works (when the employer applies after the end of working hours, on weekends

7	Schedule	<p>and holidays, in accordance with the Labor Code of the Republic of Kazakhstan (hereinafter - the Code), acceptance of applications and issuance of the result of provision of a public service shall be carried out on the next working day);</p> <p>Local executive bodies of regions, cities of Nur-Sultan, Almaty and Shymkent - from Monday to Friday from 9.00 to 18.30, with a lunch break from 13.00 to 14.30, except for weekends and holidays in accordance with the Code.</p> <p>Addresses of places for the provision of a public services are posted on the Internet resource of local executive bodies of regions, the cities of Nur-Sultan, Almaty and Shymkent.</p>
		<p>to obtain a foreign workforce or reissue a permit for another foreign employee:</p> <p>to obtain a permit to engage foreign labor or to reissue a permit for another foreign employee:</p> <p>1. When engaging seasonal foreign employees:</p> <p>an application in the form according to Appendix 2 of these Rules (hereinafter - the application), certified by an electronic digital signature (hereinafter – the EDS) of the employer;</p> <p>information about engaged foreign employees indicating the surname, name, patronymic (if any) (including in Latin letters), date of birth, citizenship, number, date and authority issuing a passport (identity document), country of permanent residence, country of departure, education, specialty, in accordance with the professional standards applied in the Republic of Kazakhstan, the Qualification Guide for the positions of managers, specialists and other employees, the standard qualification characteristics of the positions of heads, specialists and other employees of organizations, the Unified Tariff and qualification directory of jobs and professions of employees, tariff and</p>

qualification characteristics of professions of employees and the State classifier of the Republic of Kazakhstan 01-99 "Classifier of occupations" (hereinafter - Qualification requirements) in accordance with subparagraph 16-1) of Article 16 of the Code (hereinafter - information on engaged foreign employees);

electronic copy of the identity document of a foreign employee;

a document confirming the payment of the fee for issuing a permit;

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

an application certified by the EDS of the employer;

information about engaged foreign employees;

electronic copies of notarized documents on education and translations (if the document is not filled out in the state or Russian language), legalized in accordance with the procedure established by the legislation of the Republic of Kazakhstan, with the exception of cases provided for by international treaties of the Republic of Kazakhstan that have entered into force in accordance with paragraph 7 of Article 39 of the Law of the Republic of Kazakhstan "On Education";

a notarized electronic copy and translation (if the document is not filled out in the state or Russian language) of the contract for the performance of works, the provision of services (in the event that a foreign legal entity-employer carries out its activity in the Republic of Kazakhstan without establishing a branch, representative office in accordance with paragraph 35 Rules)

;

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

foreign legal entity-employer, from which a temporary transfer of a foreign employee shall be carried out (in case the foreign legal entity-employer sends its employees to the Republic of Kazakhstan to perform works, provide services to a subsidiary, representative office, branch of a foreign legal entity in which such a foreign legal entity-employer directly or indirectly has shares or participation interests);

an electronic copy of the letter of the employer, which confirms the compliance of the qualifications and professional experience of a foreign employee with the position for which he/sha is recruited;

information on the fulfillment of obligations imposed when issuing permits to engage foreign labor for the previous and current calendar years, the deadline for which has come (if any);

information on local content in personnel according to the form in accordance with Appendix 6 of these Rules (with the exception of small entrepreneurs, state institutions and enterprises, representative offices and branches of foreign legal entities with a staff of not more than 30 people, foreign employees who arrived for independent employment in the Republic of Kazakhstan in compliance with the 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 sectors (types of economic activity) and professions in demand in them of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated June 13, 2016 No. 503 (registered in the Register of state registration of regulatory legal acts No. 14149), according to permits issued within the quotas by countries of origin, if there are international agreements on cooperation in the field of labor migration and social protection of migrant employees ratified by the

The list of documents required for the provision of a public service

Republic of Kazakhstan in the prescribed form according to Appendix 7 of these Rules (hereinafter - a notarized copy of the document on the conditions for local content in personnel for priority projects);

information on the obligations assumed to obtain and extend permits in accordance with paragraph 16 of these Rules.

an electronic copy of the identity document of a foreign employee;

a document confirming the payment of the fee for issuing a permit;

3. To reissue a permit to engage foreign labor, the necessary documents provided for in paragraph 2 of the list of documents required for the provision of a public service of this Standard shall be provided.

4. To extend a permit to engage foreign labor:

an application certified by the EDS of the employer;

information about engaged foreign employees;

information about local content in personnel;

an electronic copy of the identity document of a foreign employee;

a document confirming the payment of the fee for issuing a permit;

5. To obtain or reissue a permit to engage foreign labor as part of an intra-corporate transfer:

an application certified by the EDS of the employer;

an electronic copy of a notarized translation (if the document is not filled out in Kazakh or Russian languages) of an employment contract (concluded with a legal entity established on the territory of a member country of the World Trade Organization, 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 on the territory of a member country of the World Trade

Organization, located and operating outside the territory of the Republic of Kazakhstan), with a branch, representative office, affiliated person of this legal entity established /registered in the Republic of Kazakhstan ;

information about the labor activity of an employee with the attachment of supporting documents recognized in the Republic of Kazakhstan;

information on the fulfillment of special conditions of permits to engage foreign labor issued for the previous and current calendar years, the deadline for which has come (if any) (in any form);

an electronic copy of the letter of a foreign legal entity-employer, which confirms that the qualifications and professional experience of the foreign employee correspond to the position to which the intra-corporate transfer is carried out, as well as a letter from the host party, confirming that the employee has the necessary qualifications and professional work experience;

information on the accepted special conditions for obtaining and extending permits in the form according to Appendix 8 of these Rules;

information on local content in personnel when engaging foreign employees as part of an intra-corporate transfer in accordance with Appendix 9 of these Rules;

an electronic copy of a document confirming that the employer sent information about the availability of vacancies (vacant positions) to the employment center at the place of employment of foreign labor (provided upon receipt of a permit);

an electronic copy of the program to increase local content in personnel (if available);

an electronic copy of the identity document of the foreign employee;

6. To extend the permit to engage foreign labor as part of an intra-corporate transfer:

		<p>an application certified by the EDS of the employer;</p> <p>information on the fulfillment of special conditions of permits issued for the previous and current calendar years, the deadline for which has come (if any);</p> <p>information on local content in personnel when engaging foreign employees as part of an intra-corporate transfer;</p> <p>justification for the extension of the period of permits;</p> <p>an electronic copy of the identity document of a foreign employee;</p> <p>information about accepted special conditions.</p> <p>7. To reissue a permit in connection with a change in the surname, name, patronymic, number and series of the identity document of a foreign employee and in the event of reorganization 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, accession, separation, allocation or transformation, as well as in the event of a change in its name or details specified in the permit to engage foreign labor:</p> <p>an application certified by the EDS of the employer;</p> <p>electronic copies of documents confirming a change in the surname, name, patronymic, number and series of the identity document of a foreign employee, reorganization 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, accession, division, separation or transformation, and also in the event of a change in its name or details specified in the permit to attract foreign labor.</p>
		<p>To obtain a permit to engage foreign labor:</p> <p>1) establishing unreliability of the documents submitted by the</p>

Grounds for refusal to provide a public service, established by the legislation of the Republic of Kazakhstan

employer for the receipt of a public service, and (or) the data (information) contained in them;

- 2) exceeding the size of the distributed quota;
- 3) failure to fulfill obligations to replace foreign labor in the fourth category;
- 4) non-compliance by the employer with the conditions established by paragraph 16 of these Rules;
- 5) establishment of the fact that the employer engaged foreign employees without a permit, as well as the engagement of a foreign employee by profession or specialty that does not correspond to the profession or specialty specified in the permit. In these cases, within twelve months from the date of establishing such a fact, no new permits shall be issued;
- 6) non-compliance of the level of education (professional training) and experience (length of service) of practical work of foreign labor with the qualification requirements for the professions of workers and positions of managers, specialists and employees, in accordance with professional standards, the Unified Tariff and Qualification Directory of jobs and professions of workers and the Qualification Directory of managers, specialists and other employees, standard qualification characteristics of the positions of managers, specialists and other employees of organizations.

To obtain a permit to attract foreign labor as part of an intra-corporate transfer:

- 1) establishing unreliability of the documents submitted by the employer for the receipt of a public service, and (or) the data (information) contained in them;
- 2) non-compliance by the employer with the conditions established by paragraph 57 of these Rules;
- 3) establishing the fact that the employer engaged foreign employees without a permit, as well as the engagement of a foreign

		<p>employee by profession or specialty that does not correspond to the profession or specialty specified in the permit. In these cases, within twelve months from the date of establishing such a fact, no new permits shall be issued;</p> <p>4) failure to comply with the special conditions of permits issued for the previous and current calendar years, the deadline for which has come (if any);</p> <p>5) non-compliance of the level of education (professional training) and experience (length of service) of practical work of the foreign labor force with the requirements provided for in paragraphs 41 and 42 of these Rules;</p> <p>6) non-fulfillment of measures (conditions) provided for by the program to increase local content in personnel (if any).</p>
10	Other requirements, taking into account the specifics of the provision of a public service, including those provided in electronic form	<p>In the presence of a business identification number and an electronic digital signature, it is possible to obtain a public service, as well as information about the issuance, reissuance and extension of a permit in remote access mode through the portal. The employer has the opportunity to receive information about the procedure and status of the provision of a public service in remote access mode through the portal's "personal account", as well as a unified contact center for the provision of public services. Contact phone numbers of reference services for the provision of public services 1414, 8-800-080-7777.</p>

Appendix 4
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form
from

(name of the local executive body of the region, the cities of Nur-Sultan, Almaty and Shymkent)

to whom _____

(full name of a legal entity or an individual and address)

Notification

(name of the local executive body of the region, the cities of Nur-Sultan, Almaty and Shymkent)

notifies _____,

(full name of a legal entity or an individual)

that a decision has been made to issue/extend a permit to engage foreign labor.

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

(indicate issuance or extension of permit(s))

(indicate the surname, name, patronymic (if any), category, profession and position, type of economic activity for which a foreign employee is engaged and the amount of tax collection)

The tax fee for the issuance or extension of permits shall be required to be paid to the following account № _____ budget classification code: 105433 On payment of the tax fee must be notified within ten working days by submitting to the local executive body a copy (s) of the document (s) confirming (their) payment collection.

If the employer fails to provide a copy (s) of the document (s) confirming (their) payment of the fee within ten working days from the date of receipt of the notification, the decision of the local executive body to issue a permit shall be cancelled.

Head _____

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

Appendix 5
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form of agreement with the employer of obligations when issuing and extending permits

		Category, profession (specialty) of	Name of the profession (specialty)	
--	--	--	---------------------------------------	--

№ п/п	FULL NAME. (if any) of engaged foreign employees	engaged foreign employees according to the application of the employer	for which the replacement of foreign employees will be carried out	Deadline for fulfillment of obligations
1	2	3	4	5

(name of an employer)

(signature, surname, position)

" ____ " _____ 20 ____ g

Agreed:

(name of the authorized body)

(signature, surname, position)

" ____ " _____ 20 ____

Appendix 6
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

Information about local content in the personnel

№ s/n	Categories of engaged foreign labor force	Number of employees of the employer, people		The number of foreign labor force planned to be engaged, people.	column 3+ column 5	column 4+ column 5	% of foreign labor force to the total number of employees, column 7/ column 6* 100%
		Total (does not include foreign employees working without permits to engage foreign labor)	Including foreign labor involved under permits to engage foreign labor				
1	2	3	4	5	6	7	8
1	1 and 2 categories						
2	3 and 4 categories						
3	TOTAL						

Note: if a foreign employee is recorded in column 4, then in column 6 he/she is not taken into account.

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

Appendix 7
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

Conditions for local content in personnel for priority projects

№ s/n	Name of the priority project	Categories of engaged foreign labor force	% of Kazakhstani citizens working on the priority project	% of foreign labor force working on the priority project
1	2	3	4	5
1		1 category		
		2 categories		
		3 categories		
		4 categories		

Agreed:	Agreed:	Agreed:
_____ (Name of the authorized body for employment issues)	_____ (Name of the central state body)	_____ (Name of the local executive body of the region, cities of Nur-Sultan, Almaty and Shymkent)
_____ surname, name, patronymic (if any), position, signature)	_____ (surname, name, patronymic (if any), position, signature)	_____ (surname, name, patronymic (if any), position, signature)

Appendix 8
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

Information on accepted special conditions for obtaining and extending permits

		Category, profession (specialty) of foreign employees involved	Name of special conditions indicating the profession (specialty) for which training, retraining and advanced	
--	--	--	--	--

№ s/n	Surname, name, patronymic of foreign employees involved	according to the employer's application	training will be carried out and (or) the number of jobs created for citizens of the Republic of Kazakhstan	Deadline for the implementation of special conditions
1	2	3	4	5

(full name of a legal entity or an individual)

(signature, surname, name, patronymic (if any) position)

" ____ " _____ 20 ____

Appendix 9
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

Information on local content in personnel when engaging foreign employees as part of an intra-corporate transfer

№ s/n		Number of employees of the employer, people		The number of foreign labor force planned to be engaged as part of an intra-corporate transfer, people	column 3 + column 5	column 4 + column 5	% of foreign labor engaged as part of an intra-corporate transfer to the total number of employees from among Kazakhstan citizens, column 7 / column 6 * 100%
		Total	including:				
			foreign labor force working under permits as part of an intra-corporate transfer				
1	2	3	4	5	6	7	8
1	Managers						
2	Specialists						
3	TOTAL						

Note: if a foreign employee is recorded in column 4, then in column 5 he/she is not taken into account.

Employer: _____

(signature, surname, initials, position, date)

Appendix 10

to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

IN _____

(name of the territorial body of the Ministry of Internal Affairs of the Republic of
Kazakhstan region, the cities of Nur-Sultan, Almaty and Shymkent)

from _____

(name of the local executive body of the region, the cities of Nur-Sultan, Almaty
and Shymkent)

Information about revoked permits to engage foreign labor

In accordance with paragraph ___ of the Rules and conditions for issuing and (or)
extending

permits to employers to engage foreign labor, as well as the implementation of an
intra-corporate transfer,

we hereby inform that _____

(name of the local executive body of the region, the cities of Nur-Sultan, Almaty
and Shymkent)

revoked (s) permission (s) to engage foreign labor:

(name of the employer, details of the foreign employee: surname, name,
patronymic (if any),

passport details (number, date of issue). Permit number, date of issue of the permit,
expiration date of the permit).

(Position) (signature) (surname, name)

Appendix 11
to the Rules and conditions for the
issuance and/or extension of permits
to employers to engage foreign
labor, as well as the implementation
of an intra-corporate transfer

Form

Information about the fulfillment of special conditions and engaged foreign labor

(full name of the body issuing the permit)

1. Number of retrained Kazakh citizens _____

2. Number of Kazakh citizens who replaced foreign employees _____

3. Number of employed Kazakh citizens _____

4. Number of jobs created for Kazakh citizens _____

5. Number of working foreign labor at the end of the month _____

6. Country of origin _____

7. Specialties for which foreign labor is engaged _____

8. Number of working foreign labor force at the end of the month by category

9. Number of working foreign labor force at the end of the month by type of economic activity

Employer: _____

(name of organization, full name (if any), position, date, signature)