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## How the highly qualified specialists will live in Russia?

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The changes will affect the procedure of obtaining migration documents for foreign citizens whose annual income paid in accordance with the labor / civil law agreement signed with a Russian employer exceeds 2 million rubles gross. At the same time it is also important that such highly qualified specialist should have a big work experience, skills and different achievements such as publication of scientific articles, reception of awards.

### Highly qualified specialists

In the end of 2009, President Medvedev has brought up a question about the procedure of obtaining work permits and visas for highly qualified foreign specialists. He has addressed to the authorities an offer to simplify the procedure for such categories of citizen. All governmental institutions involved in the law process connected with the immigration in Russian Federation such as the Ministry for Economic Development, the Federal Migration Service, the Ministry of Healthcare and Social Development arranged the process of bill preparation in compliance with the provided instructions. The law was adopted by both the Federation Council and State Duma and will be in effect from July 1, 2010.

Please find below the main changes introduced in the regulatory legal act:

- No quota for work permits and visa invitations;
- No need to give the information for vacancies in the Employment Center (the first "Stage 1" of obtaining Employment permit);
- No need to obtain the Employment permit;
- The employer won't have to prove qualifications or education credentials to the immigration authorities (instead this will be left to the employer's judgment);

The process of documents obtaining for such individuals will be simplified. The term of documents validity (visa and work permit) for such individuals can be up to 3 years (for the time being it is one year at most). Also it will be possible to obtain one work permit valid for a number of regions in which foreign employee is going to work. According to the act, an application for such work permits should be considered by authorities within 14 business days.

We would like to mention that the simplified regime will be applied only to Russian legal entities and branches of foreign legal entities, it means that upon the regulatory legal act representative offices will still have to make work permits and other required documents.

Such highly qualified specialists will be able as well to apply for permanent residence permit for their family members, please mention that temporary residence permit won't be required for it.

As for taxes there are also some changes. Namely, a 13% individual income tax rate will be applicable to a foreign national from the very first day of his employment opposed to 30% which is in use now until a foreign national stays on the territory of the Russian Federation for at least 183 days.



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### **Requirements to employers**

The regulatory legal act introduces changes not only for the foreign specialist but also for the employer.

The following requirements are to be presented:

- Highly qualified specialists should be registered in tax authorities
- It is necessary to guarantee the medical insurance for the highly qualified employees and their family members

It also stated that in case the rules and requirements which should be observed by the employer are broken, he will not be able to use the new regime for 2 years. Our understanding is that these consequences are needed to avoid abusing of the system of documents obtaining for highly qualified specialists by the companies whose employees don't fall under the category. That is why FMS authorities will arrange a special electronic data bank to keep all the information about the foreign specialists to control the process.

### **CIS employees**

Another positive change presented in regulatory legal act relates to the CIS citizens which are employed by the individuals. Expatriates not requiring visa will obtain a special license which will replace the work permit. The license can be issued for 1, 2 or 3 months and can be extended for subsequent 3-month (three) period provided the correspondent tax payment is made by a foreign national in due time and manner. The cumulative term of validity of the license including prolongations cannot be more than for 12 months.

### **Features of quota exempted positions**

The regulatory legal act also fixes innovation for the list of quota exempted positions. The special order will be approved annually before March 31 of the current year for the coming year which will give companies the opportunity to be better informed and to plan the process of obtaining migration documents for their expatriates.

### **De-registration for traveling to regions**

According to current Russian legislation when moving to another region of the Russian Federation, foreign employee should be de-registered in the region which he leaves and make a new registration in a new place of stay. Such process was always too complicated to be treated as it is stated in the law. To simplify this question the government presented to the law new rules according to which the basis for de-registration will be the new registration made in the new place of stay. Thus migration authorities will be responsible for this process.

Certainly, innovations offered by the government should positively affect mutual relations between Russia and foreign countries. However, at the moment authorities are working on preparation of corresponding by-laws and procedures necessary for application of the law. Only after the project is finished it will be possible to give a definitive estimation of innovations.