

## ***Government proposes to repeal contradictory provisions of the new work permit rules***

***edition №25***



A meeting between the Minister of Health and Social Development, Mrs Tamara Duisenova and business took place in Astana on 5 December 2016. New work permit rules coming into effect from 1 January 2017 were on the agenda.

Business proposed a number of amendments to the work permit rules and the Minister agreed to make necessary legislative changes to accommodate needs of business and investors.

The Minister agreed to reintroduce certain exemptions from immigration rules (previously available for international investors), such as exemptions for:

- expatriate executives of branches and rep offices (of foreign companies) from applying for work permit for work activities in Kazakhstan;
- expatriate individuals coming to Kazakhstan on a business trip and for a period not exceeding 120 days. These individuals will not be required to apply for work permits.

Government also proposes to repeal other requirements, proposed under the new work permit rules, such as

- Requirement for specialists arriving under inter-corporate transfer arrangement to have an elementary level of Kazakh and pass a language test. The Ministry proposed to issue an order before 1 January 2017 repealing this requirement.
- Sending expatriate personnel under inter-corporate transfer arrangement will be possible not only from a foreign parent to a local subsidiary, branch or rep office. From the new year companies will be able to move employees between affiliated companies within their Group.
- Those individuals coming to Kazakhstan under inter-corporate transfer arrangement from a foreign company will not need to have been employed within that company for one year or longer.
- There will be no local content requirement for branches and rep offices of foreign companies having less than 30 people.
- There will be no longer be a requirement for the Kazakhstan company to obtain an undertaking from an expatriate employee that such employee will not violate immigration and labour legislation. Business was concerned if such requirement introduced, then as result, any violation by expatriate employees of immigration rules will impose liability on the Employer.

Other proposals were discussed and are still under review. Further changes made occur before 1 January 2017.

Note that none of the above proposals have been formalized as yet.

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