

Current immigration procedures

The key to obtaining a work permit and visa for highly qualified specialist

One may say that Russian migration procedures are overly complicated but is it really so, especially for foreign nationals falling into the category of highly qualified specialists (the HQS)?

In reality, the procedure is not so complicated. Its main peculiarity is that it is quite formalistic and requires attention to details of both the employer and the employee.

Under the general rule, a foreign national planning to work in Russia shall have a work permit and work visa. The work permit and work visa for the HQS is usually granted for the term of 3 (three) years.

The procedure of obtaining of the work permit and work visa for the HQS may be divided into the following stages:

1. Preparing for filing

Do not underestimate this stage. This is the most important stage of the whole process as the success of the filing for the work permit and work visa depends on it for 100%. What shall be considered at this stage?

- The employment agreement with the HQS shall be concluded for an indefinite term except for the cases when there is a ground for conclusion of a fixed-term employment agreement (e.g. the HQS is being hired for the position of the General Director). Fully executed by both parties employment agreement shall be in the set of documents to be submitted to the migration authority.
- The HQS's monthly salary shall be not less than 167 000 roubles gross per month. It is worth mentioning that it is not advisable to set out the salary in foreign currency in the employment agreement, as, formally, this is a violation of the Russian labour law.
- Prior to submission of the application for the work permit to the Federal Migration Service (the FMS), it is necessary to take care of the voluntary medical insurance for the HQS and his/her accompanying family members. The voluntary medical insurance shall cover primary medical and sanitary aid as well as specialized medical aid. The data of this policy (i.e. number and date of issue) shall be included in the employment agreement with the HQS. Often, the employers formalize an international insurance policy at the foreign insurance company. In this case it is highly recommended to request the insurance company to specifically indicate in the policy that it is valid in Russia.
- Prior to filing the documents it is highly recommended to double-check whether there were no changes with respect to the filing requirements as Russian migration authorities changes requirements from time to time.

2. Filing stage

At this stage not only the documents for the work permit shall be filed, but also the documents for the invitation letter for the Russian work visa (the "visa invitation"). Also, it may be required to file the documents for registration of the employer with the FMS for the purpose of obtaining of the visa invitations (in case of absence of such registration). All these applications shall be filed to the territorial departments of the FMS simultaneously.

The work permit shall be issued by the FMS within 14 business days as of the filling date. As to the visa invitation it shall be issued within 20 calendar days.

3. Obtaining of the Russian work visa

As soon as the visa invitation is issued the authorized employer's representative may collect it and send to the HQS. Upon receipt of the visa invitation the HQS shall obtain the Russian work visa in the Russian Embassy, Consulate or authorized Visa Center in the country of his/her residence. Together with the visa invitation, the HQS will be required to file the visa application which form can be downloaded or completed on the web site of the respective Embassy, Consulate or Visa Center. Also, the HQS may be required to file the medical certificate confirming absence of HIV. In practice, the Russian visa is issued within 4 – 7 business days.

4. Collection of the work permit and formal requirements arising out of hiring of HQS

The work permit shall be collected by the HQS from the respective department of the FMS personally. At the moment of collection the HQS shall provide the FMS with the original of his/her passport which data was indicated in the application for the work permit. Upon issue of the work permit for the HQS the FMS automatically registers the HQS with the tax authority and the respective tax ID is assigned to the HQS.

Within 3 business days as of hiring of the HQS the employer shall file the notification on conclusion of the employment agreement with the foreign national to migration authority.

5. Notification on payment salary to the HQS

The employer of the HQS shall file the notifications on payment of salary to the HQS on the quarterly basis. Such notifications shall be submitted to the FMS not later than on the last working day of the month following the respective quarter.

6. Migration registration of the HQS

The HQS and his/her family members are required to file the notification on their arrival to the place of stay in Russia only in case the duration of their stay exceeds 90 business days (in a row). In case it does the notifications on arrival shall be submitted to the FMS within 7 business days upon expiry of 90 calendar days of stay.

In case the HQS and his/her family members are staying in another place (other that indicated in the work permit) and their stay exceeds 30 calendar days (in a row) they shall also notify the FMS on their arrival within 7 business days of expiry of the above 30 days. However, it is not applicable in case the foreign nationals are staying at hotel, as in this case the hotel shall take care of their migration registration.

7. Extension of the work permit and visa

The procedure of work permit extension is currently similar to the procedure of its obtaining. Both work permit and work visa may be extended without requiring the HQS to stop working in Russia or leave Russia.

8. Dismissal of the HQS

In case of dismissal of the HQS on any ground, the employer shall notify the FMS on termination of the employment agreement with the foreign national. Such notification shall be filed to the FMS within three business days as of the date of dismissal.

These are the main requirements that shall be met.

One of the Russian proverbs say «The devil is not so scary as they paint him» and, in our view, this is so true for the current migration procedure for the HQS. It may look much more complicated than it actually is. It was significantly simplified for the past years and now allows both the employer and the employee to obtain all the required authorizations in much less bureaucratic and complicated way.

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Kind regards,

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