

April 20, 2015

Dear Sirs,

We would like to inform you of the important changes in migration legislation concerning the procedure of hiring of the highly qualified specialists (the “**HQS**”) and the requirements to the amount of their remuneration.

The Federal Law No. 508-FZ dated December 31, 2014 “On introduction of amendments to the Article 13.2 of the Federal Law No. 115-FZ “On legal status of foreign nationals in the Russian Federation” came into force on March 2, 2015.

In accordance with this law HQS may be engaged by the employers or customers ordering works (services) that at the time of submission of application for a work permit for HQS, inter alia:

- 1) do not have outstanding ruling on administrative punishment for violation of the regime of stay (residence) or the procedure of carrying out employment activity by the foreign nationals in Russia;
- 2) have no injunction against employing foreign nationals in Russia as HQS.

In addition, it is clarified that the employer or customer ordering works (services) may not engage foreign nationals as HQS in Russia during a two years period in case the employer or customer ordering works (services):

- 1) did not fulfill obligations towards the HSQ or obligations arising out of the employment agreement concluded with the HQS or did not fulfill essential terms and conditions of civil law contract concluded with the HQS;
- 2) filed sham or forged documents to the Federal Migration Service or its territorial bodies.

Also, we would like to draw your attention to the fact that the Federal Law No. 56-FZ “On introduction of amendments to the Article 13.2 of the Federal Law “On legal status of foreign nationals in the Russian Federation” and Article 6 of the Federal Law “On introduction of amendments to the Federal Law “On legal status of foreign nationals in the Russian Federation” and other legislative acts of the Russian Federation” clarifying the requirements to the amount of the monthly salary (remuneration) of the HQS was adopted on March 8, 2015. This law comes into force as of April 24, 2015.

In accordance with the above mentioned law in order to obtain an HQS status the amount of monthly salary (remuneration) of the foreign national shall be:

- **not less than 83 500 (eighty three thousand five hundred) RUR**
 - for foreign nationals - scientific workers or teachers, provided that they are engaged for scientific-research or educational activity by higher educational institutions, state academies of science or their regional branches, national research centers or state scientific centers;

- for foreign nationals engaged by the residents of production, tourism and recreation, port economic zones (except for individual entrepreneurs), organizations operating in information technologies areas accredited by the Russian Government (with some exceptions);
- **not less than 58 500 (fifty eight thousand five hundred) RUR**
 - for foreign nationals engaged by residents of Special Economic Zones of Technical Innovation Type (except for individual entrepreneurs);
- **not less than 83 500 (eighty three thousand five hundred) RUR**
 - for foreign nationals engaged by legal entities operating in Crimea and Sevastopol;
- **not less than 167 000 (one hundred sixty seven thousand) RUR**
 - for other foreign nationals.

Due to the adopted amendments, we recommend to review the amount of monthly salary stipulated in the employment agreements concluded with HQS.

Also, Article 13.2 of the Federal Law No. 115-FZ "On legal status of foreign nationals in the Russian Federation" was supplemented with Clause 1.4 according to which:

in case the employment activity of the HQS is suspended due to sick leave, unpaid leave or other circumstances, as a result of which he/she was not paid salary or salary was not paid in full for such period, the requirement for engaging HQS is considered to be met if the total amount of salary for three calendar months during the reporting period is equal to the three-fold amount of his/her monthly salary.

Thus, regardless the suspension in employment activity during the quarter, the HQS shall still receive salary for this period in full amount.

We hope the above information is helpful. Should you have any questions please contact the Head Labour & Employment practice **Irina Anyukhina**, Partner of ALRUD.

Yours faithfully,

ALRUD Law Firm

Note: All information was obtained from publicly available sources. The author of this information letter assumes no liability for the consequences of decision-making based on such information.