

## AMENDMENTS IN THE MIGRATION LEGISLATION OF KAZAKHSTAN

### IMPORTANT!

On 13 May 2020, Kazakhstan amended certain regulatory legal acts governing the migration legislation issues with a view to form an efficient system of external labor migration and suppression of illegal migration.

Despite the fact that major part of amendments relate to substitution of the term "Oralman" by the term "Qandas," which allows reflecting more specifically the status of repatriates, the adopted [Law](#)<sup>1</sup> also introduces amendments important for businesses engaging foreign labor force.

Please see below the amendments, which we deem most important for business activities.

### ■ Reallocation of powers on foreign labor engagement among the governmental agencies

- The powers to establish quota for engagement of foreign labor, including foreign seasonal employees, were transferred from the Government to the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan. This will allow promptly adjusting and reallocating the approved quota, focusing on business demands.
- Functions on regulation of independent job placement by foreigners were transferred to the employment agencies of local levels: certificates of qualification required for independent job placement will be issued at the place of location of a foreigner (at a local employment agency), which will allow removing the load from the relevant ministry.

### ■ Territorial extension for issuing foreign labor engagement permits

The amendments made it possible to obtain foreign labor engagement permits not only at the place of employer's location, but also in the territories of other administrative and territorial units. It is worth mentioning that an employer must pay the tax levy to the budget of each region specified in a permit. This change will allow the employers who have long-term projects in other regions of Kazakhstan to send foreign employees there without limitation of the term stipulated in the event of secondment (in total 90 calendar days within 1 calendar year).

<sup>1</sup> Law No. 327-VI of the Republic of Kazakhstan "On Introduction of Amendments into Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Regulation of Migration Processes" dated 13 May 2020.

■ **Regulation of the types of activities of seasonal employees**

It is possible to engage foreign employees for seasonal work only in accordance with the list of vocational professions in demand, as approved by the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan.

■ **Exclusion of administrative liability for failure to perform a court judgment on deportation**

Administrative liability is excluded with respect to the persons failing to perform in time a court judgment on deportation in the event of detecting them at the checkpoints of the state border of Kazakhstan within 30 days of expiration of the term specified in a court judgment.

■ **Changed procedure for calculating the term of restriction to enter Kazakhstan for immigrants previously deported from the country**

The amendments touched upon the term of restriction to enter Kazakhstan for immigrants previously deported from the country (prohibition to enter within 5 years). If the term previously started running from the moment of issuing a court judgment on deportation, from now on, it will start running from the date of performing the judgment, i.e. from the date of exiting the country.

■ **Readmission**

Kazakhstan adopted an international provision on readmission, pursuant to which transfer (return) of persons who violated the legal order of stay in Kazakhstan is regulated by international agreements ratified by Kazakhstan.

Should you have any additional questions in connection with this Legal Update, we would be happy to provide more detailed information.

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