

NEW IN MIGRATION LEGISLATION: CHANGES FOR HIGHLY QUALIFIED SPECIALISTS

25.07.2023

Dear customers and partners!

On 10.07.2023 the [Federal Law No. 316-FZ](#) was adopted, which introduces a number of significant changes to the legal status of foreign nationals in the Russian Federation (hereinafter – “Law No. 316-FZ”).

The abovementioned law entered into force on 10.07.2023, however, there are separate, later dates for the entry into force of certain provisions (more details below).

Under the new rules, family members of highly qualified specialists (hereinafter – “HQS”) will be obliged **to undergo medical examination again** within 30 calendar days from the date of the decision to extend the validity of the HQS work permit or from the date of their entry into the Russian Federation (if they were outside the Russian Federation on the date of such decision). Previously, family members of HQS were obliged to undergo medical examination annually.

In addition, the following changes will come into force 180 days after the official publication of the Law No. 316-FZ:

- **The obligation to obtain a work permit within 30 calendar days** from the date of the decision on its issuance (extension) is introduced.

If there are documented valid reasons and a written application from the employer, the work permit may be obtained at a later date, but not exceeding 30 calendar days. Upon expiry of the established term, the work permit shall not be issued and the decision on its issuance (extension) shall be cancelled.

- In case of early termination of the labour or civil law contract, as before, the HQS has a right to search for another employer or customer within 30 working days.

If after this period a new contract is not concluded, the HQS and his/her family members will be obliged to leave the Russian Federation within 30 **calendar** days, and their visas and residence permits (if any) will be considered cancelled.

Prior to the entry into force of the abovementioned changes, HQS and their family members have 30 **working** days to leave the Russian Federation.

- The HQS who have worked in this capacity in the Russian Federation for at least two years and their family members who have a residence permit **will be granted an indefinite residence permit** if the following conditions are met:
 - 1) the HQS and their family members reside in the Russian Federation under the obtained residence permit;
 - 2) the employer has calculated, withheld and transferred taxes to the budgetary system of the Russian Federation during the period of employment of the HQS.
- Provision is made for the issuance of a work permit to the HQS to work **in two or more territorial subjects of the Russian Federation** if the following

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conditions are met:

- 1) work in other territorial subjects is stipulated by the provisions of a labour or civil law contract for the performance of work (provision of services);
 - 2) the foreign national works in separate subdivisions of an organisation, branches or representative offices of a legal entity or with affiliated persons located in these territorial subjects.
- **Prohibition for an employer** to engage the HQS in labour activity in the Russian Federation **for two years** in case of failure to submit to the tax authorities the information on the amounts of personal income tax calculated and withheld by the tax agent in respect of the HQS after 6 months, as well as if the submitted information turned out to be forged or falsified.

Moreover, **from 01.03.2024** the level of salary (remuneration) of HQS will increase **up to 750 000 rubles per quarter**. Before the introduction of this changes, the threshold is two million rubles per year.

At the same time, the Law No. 316-FZ does not cancel the previous reduced salary levels required to attract the HQS who are medical workers and teachers, participants in the implementation of the "Skolkovo" project and employees of the companies-residents of special economic zones.

We are closely following the development of the situation and the changes in the legislation and will be happy to answer all your questions!

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