

# Coming to Russia and bringing family: Legal and migration issues

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# Contents

1. Introduction: trends in the field of RF migration law
2. Features of employing foreign employees in the RF
3. Family members of a foreign employee
  - Entry procedure
  - Residing in the RF
4. Liability of a foreign employee and the employer for breach of migration legislation

# Trends in the field of RF migration law

- 13% decrease in migration to the RF in Q1 2009
- 50% reduction in quotas in 2009
- Draft laws in the RF State Duma:
  - mandatory Russian language studies (testing) in order to obtain a TRP; voluntary for temporary migrant employees
  - paid licenses for individuals hiring foreign citizens
  - cancellation of work permits for representative offices of foreign companies

# Features of employing foreign employees in the RF

## Work permit (1)

- **Exceptions:**
  - citizens of Belarus
  - executives and certain specialists (under special order of the Ministry of Healthcare and Social Development) – notwithstanding the quota
  - members of the board of directors / supervisory board – on certain conditions
  - accredited employees of a foreign representative office (Draft law in the RF State Duma)
  
- A work permit must be obtained by the moment of commencement of labor activities
  
- **Validity:** one year

## Work permit (2)

### Procedure:

- Application for the following year quota by 01 May of the current year;
- Notification of the employment service of the existence of vacancies;
- Permit to engage and use foreign employees (permit for the company);
- Opinion of the State Employment Service;
- Individual work permits (plastic cards).

**Term:** at least 2,5 - 3 months (possibly longer in regions)

## Work visa

- for the term of a **concluded** employment agreement
- Within the framework of an obtained work permit

**not more than 1 year**

### Procedure:

- Registration of the legal entity (representative office) with the migration service
- Invitation (term of around 3 months)
- Single-entry work visa
- Entry to the RF
- Multi-entry work visa at the territorial department of the migration service
- Extension for a new term – in the RF



# Notification of hiring a foreign citizen

- Visa regime countries:
  - State Labor Inspectorate – within 30 days
  - Employment Service – within 30 days
  - Tax Service – within 10 days
  
- Visa free countries:
  - Tax Service – within 10 days
  - Employment Service – within 30 days
  - Federal Migration Service – within 3 days

# Migration registration at the place of residence

## What?

- notification at the place of residence

## Where?

- at the location of the employer (in the name of the employer)
- at the place of actual residence (in the name of the individual)
- at a hotel

## When?

- within three business days after the arrival of the foreign citizen (entry to the RF/arrival at another region of Russia)
- within two days after departure (exit from the RF/departure to another region of Russia)

**Exception:** entering the RF for less than three days/ hotel

# Family members of a foreign employee

## Entry procedure for family members

- **Family members:**

Spouse – person with whom the foreign employee is in a registered marriage ≠ common-law spouse

 marriage certificate!

Children up to 18 years of age

 birth certificate!

- **Basis for entry** – ordinary work visa with the note accompanying family member:

- simultaneously with the petition for issuance of an invitation/multi-entry work visa to the foreign citizen
- at any time during the term of the foreign citizen's work visa



## Residing in the RF

- From the standpoint of **labor law**:
  - several expenses and compensations are paid to family members (child daycare, school, life and health insurance, medical insurance, flights, and others) within the framework of the employment agreement with a foreign employee
  
- From the standpoint of **migration law**:
  - labor activities on the basis of the work visa of an accompanying family member are prohibited

# Liability

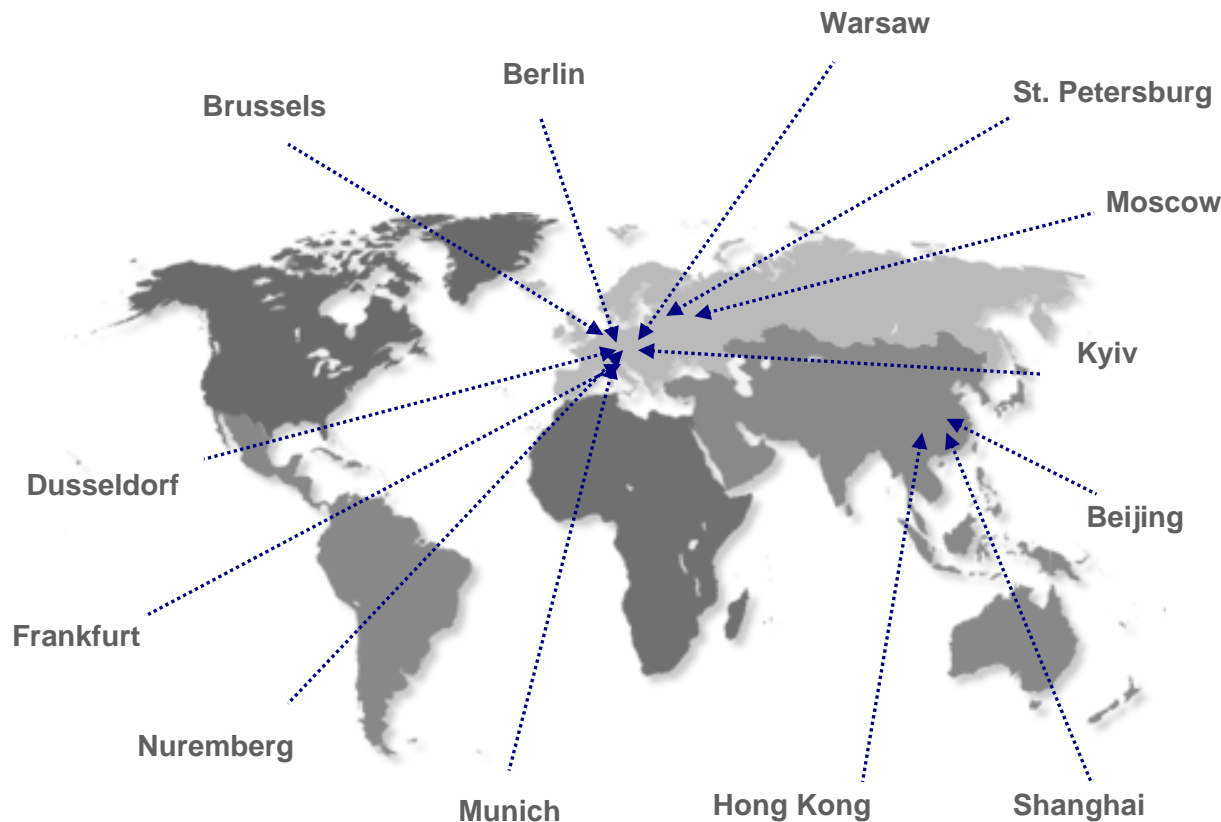
# Penalties for violations

- **For an employer:**
  - pecuniary fine up to 17.000 euros
  - pecuniary fine for an officer of the employer (as a rule, the general director) up to 1.100 euros
  - suspension of the employer's operations for up to 90 days
- **For a foreign citizen:**
  - pecuniary fine up to 110 euros, possible exclusion-deportation (in exceptional cases)
  - in case of repeat violation of the residency conditions, possible temporary ban on entering the RF



# Contact / Speaker

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- Drafting employment contracts as well as developing and implementing local regulations
- Obtaining work permits
- Advising on Russian collective labour law

# Your contact

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Partner  
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Labor law, migration law and social insurance law, secondment of employees to Russia

### Career

Law Faculty of the University in Moscow, 1997–2002;  
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**Thank you for your attention!**