

Migration legislation changes in 2024

1. HQS salary increase in March 2024 of

Law change has been made to increase the minimum salary threshold for the HQS to 750,000 rubles payable quarterly from 1 March 2024. There is no clear definition in the legislation of how to pay the HQS salary for the 1st quarter of the year.

According to the position of the Ministry of Internal Affairs, which is supported by the Ministry of Economic Development of Russian Federation, the requirement for payment at the end of the first quarter of 2024 will be met if the HQS salary for the first quarter of 2024 is not less than 750 thousand rubles. The written confirmation from the Ministry of Internal Affairs is requested in this respect.

2. Collection of issued work permit within 30 calendar days

According to the amendments that will enter into force on 7 January 2024 (paragraphs 15 and 18.1 of Article 13.2 of Law No. 115-FZ), HQS foresee the deadline for collection of issued work permit within 30 calendar days from the date of the Ministry of Internal Affairs' decision to issue or extend a work permit. This period may be extended by a maximum of 30 calendar days if there are valid reasons and the employer requests it.

3. Indefinite Residence Permit

From 2024, HQS will be entitled to an Indefinite Residence Permit (IRP) that is not linked to their HQS status. This will be possible if three conditions are met:

- At least 2 years of work in the Russian Federation in HQS status (at least 2 years working experience).
- Before applying for a permanent residence permit – there is an obligation to stay in the Russian Federation on the basis of a residence permit tied to the period of validity of the HQS work permit. At present, the Ministry of Internal Affairs holds the position that residence on the basis of a HQS residence permit must also be for at least two years and must be valid at the time of application for an indefinite residence permit. However, the law does not explicitly establish such a requirement for the period of residence based on a "fixed-term" residence permit, which is required for an indefinite residence permit. The request for the clarification has been sent to the Ministry of Internal Affairs.
- Proper payment of taxes during the specified two-year period of HQS work in Russia.

4. Issues raised by the new Federal law on Citizenship

4.1. On 26.10.2023 the Federal Law "On Citizenship of the Russian Federation" No. 138-FZ of 28.04.2023 came into force, replacing the previous Law No. 62-FZ "On Citizenship of the Russian Federation" which corrects the procedure for notifications submission by Russian citizens on obtaining a foreign residence permit or citizenship.

- The following procedures have been changed in the procedure of submitting applications:
- The right to notify through the Ministry of Foreign Affairs (MFA) departments abroad has appeared, at the same time this notification replaces the notification from the MFA.
- The deadline for notification submission to the MFA upon the date of arrival to Russia has been extended from 30 to 60 calendar days.
- The provision of sending the notification by Russian Post was removed from the law.

- Notifications to the MFA can be submitted directly to the Main Department of Internal Affairs of the Ministry of Internal Affairs of Russia, to the migration department of the territorial body of the Ministry of Internal Affairs of Russia at the regional or district level in the residence place of the applicant. It's possible to supply a notification on paper or in electronic form via the Gosuslugi portal.

New forms of notifications and lists of annexes to notifications are established by Presidential Decree # 889 of 22 November 2023.

4.2 The main content of the new law repeats the previous one, but the following changes have been made in the new version:

- The fact of being married to a Russian citizen for more than three years, working for one year in a specialty from the list of the Ministry of Labor, persons who are native speakers of the Russian language (SRL), foreign citizens who invested in the Russian economy were removed from the grounds for acquiring citizenship;
- the list of grounds for acquiring Russian citizenship by birth was extended;
- the fact of residence on the territory of the RSFSR (and not only the fact of birth) and a "red diploma" from a Russian university were added to the grounds for acquiring citizenship;
- citizens of the Russian Federation are recognized those who have served in the Russian Armed Forces, Russian ministries and departments, servicemen and cadets who have sworn allegiance to the USSR or the Russian Federation and who, on 6 February 1992, were serving in military units under the jurisdiction of the Russian Federation located on the territories of other states.

5. New forms of applications, petitions and notifications

As of 2024, the Ministry of Internal Affairs of the Russian Federation has established new forms for various applications, petitions and notifications used when hiring foreign workers. Previously used forms are, accordingly, no longer applicable. Among the new forms are the following:

- Application by an employer, a consumer of works (services) to employ a highly qualified specialist;
- Notification on fulfilment by employers and customers of works (services) of obligations to pay salary (remuneration) to a foreign citizen (stateless person) - highly qualified specialist;
- Notification on the conclusion of an employment or civil - legal contract for work (provision of services) with a foreign citizen (stateless person);
- Application for a work permit for a foreign citizen (stateless person);
- Application for the extension of a work permit for a foreign citizen or stateless person;
- Application for a duplicate work permit for a foreign citizen or stateless person.

The AEB Migration Committee continues to monitor changes in migration legislation and practice and inform members on changes in a timely manner.