

Peculiarities of employingHQS

Peculiarities of employing foreign citizens - highly qualified specialists

Who is HQS?

A highly qualified specialist (HQS) is a foreign citizen who has work experience, skills or achievements in a specific field of activity (clause 1, article 13.2 of the Federal Act dated July 25, 2002 No. 115-FZ, hereinafter - Act No. 115-FZ).

How is this status assigned?

The law does not impose requirements on the competence and qualification level of a foreign citizen employed as a HQS; the employer evaluates these qualities independently. He bears the corresponding risks, which are specified in paragraphs 3, 4 of Art. 13.2 of Act No. 115-FZ.

The decision of the expert commission is the basis for assigning the status of an HQS to a foreign specialist invited to be employed at UrFU. The expert commission makes a decision on the basis of the Submission document, prepared by the host structural unit. These documents must contain an assessment of the competencies and qualifications of a foreign citizen and reasonably prove their compliance with the status of a highly qualified specialist.

To assess the competence and qualification level of a HQS, the following information can be taken into consideration:

- results of his labor activity, including reviews of other employers, inc. foreign ones;
- results of intellectual activity, the author or co-author of which is the foreign citizen;
- professional awards and other forms of recognition of his professional achievements;
- results of competitions held by the employer.

Mandatory requirements

The legislation establishes the following prerequisites for foreign HQS:

1. A foreign citizen must personally obtain a work permit (PRP) from the Department of Internal Affairs of the Main Directorate of the Ministry of Interior. HQS employment contract starts only after providing of work permit to the employer.

2. Requirements for HQS salary:

- for highly qualified specialists who are scientific researchers or teachers - at least 83,500 rubles (eighty-three thousand five hundred rubles) per one calendar month.
- for highly qualified specialists of other categories - at least 167,000 rubles (one hundred sixty-seven thousand) per one calendar month.

IMPORTANT: The conditions for HQS recruitment are considered to be complied with if the total amount of his salary for three calendar months during the reporting quarter is three times the amount of his monthly salary ($83,500 \times 3 = 250,500$ or $167,000 \times 3 = 501,000$).

This **rule is also preserved** for cases when working activity of a foreign citizen was paused (due to illness, being on leave without pay and other circumstances).

Thus, the HQS' supervisor must ensure that the amount of wages paid to the HQS for the quarter **in any case** is at least 250,500 or 501,000 rubles (depending on the category of the HQS).

If in the quarterly notification of the Federal Migration Service on the fulfillment by the employer of obligations to pay wages to the HQS, the total amount of his salary for three reporting months is below the established minimum, then the FMS will prohibit the employer from recruiting foreign citizens as a HQS for the next two years.

Algorithm for HQS recruitment:

<i>Activity</i>	<i>Responsible executive</i>
The beginning of the procedure for HQS recruitment	
1. Negotiations with a foreign specialist applying for HQS status, discussion of the Job-offer 2. If the negotiations results are positive, appointment of the supervisor of the HQS should be carried out.	Head of the structural unit willing to employ in HQS
3. Obtaining copies of the necessary documents from the HQS 4. Issuance of notarized translation of the passport and other necessary documents 5. Preparation of an Application for the HQS recruitment and submission to the CRSFSTP	Supervisor
6. Issuance of express analyzes of education documents on academic degree documents, preparation of recommendations If necessary, contacting an external expert or the Academic Council of UrFU is possible	CRSFSTP
7. Legalization (if necessary) of education documents, academic degree documents in the country of reception of the documents	HQS
8. Preparation of Report on the compliance of the foreign candidate's qualifications with the requirements for the requested position outlined in the Qualification Handbook for the positions of directors, specialists and other employees	HR department
9. Payment of state fees (from the funds of the inviting structural unit): - for issuing an invitation to enter the Russian Federation - 800 rubles - for issuing a work permit - 3500 rubles	CRSFSTP
10. Preparation of a Submission document for compliance of the foreign specialist's competencies and qualifications with the HQS status to the Expert Commission. 11. Preparation of a service note to open a working rate for a foreign specialist with signatures of the Planning and financial management department and the head of a structural unit	Supervisor
12. Preparation of an employment contract	HR department

13. Sending an employment contract to a foreign specialist by express mail, submitting the signed contract to the CRSFSTP	Supervisor
14. Preparation and submission to the Department of Internal Affairs of the Main Directorate of the Ministry of Interior full package of documents for issuing an invitation to enter the Russian Federation and work permit	CRSFSTP Term - 14 working days
15. Sending an invitation to a foreign specialist indicating the need to obtain a work visa and correctly filling out the migration card with working purpose of entry	Supervisor
16. Solving accommodation issue of the HQS	
17. Preparation of a notification document to the Federal Security Service about information on foreign specialist's entry to Russia	Supervisor
HQS entered the territory of the Russian Federation	
18. Registration of HQS at the place of stay	CRSFSTP Term - within 7 working days from the date of entry (according to the law, within 90 days, but in order to issue a bank card and undergo a medical examination, you must receive a registration document earlier)
19. Passing a preliminary medical examination	HQS accompanied by a curator
20. Obtaining a work permit at the Department of Internal Affairs of the Main Directorate of the Ministry of Interior	HQS accompanied by CRSFSTP specialist
21. Purchasing Voluntary medical insurance, issuing certificate of criminal record, taxpayer identification number. Purchase of a work book. Issuing a bank card for worker's wages	Supervisor
22. Registration of labor relations after the provision of a complete set of documents.	HR department
23. Extension of work permit and visa.	CRSFSTP No later than 45 days before the expiration date of the work permit and visa
24. Changes to work permit data, if needs	CRSFSTP Within 7 working days from the date of change
Mandatory reporting when employing HQS	
1. Notification on initiation or termination of HQS employment contract to be provided to the Department of Internal Affairs of the Main Directorate of the Ministry of Interior	CRSFSTP Term - within 3 days
2. Notification on the fulfillment of obligations for the payment of wages (remuneration) to the HQS to be provided to the Department of Internal Affairs of the Main Directorate of the Ministry of Interior	Finance and Administration Department, CRSFSTP Once per quarter (no later than the last day of the month following the reporting quarter)