

Employment of a foreigner in the Republic of Belarus

Foreign citizens who are permanently residents can be employed under the same conditions as citizens of the Republic of Belarus, except for the activities related to belonging to the citizenship of the Republic of Belarus. That means, they do not require special work permits.

Foreign citizens who are temporarily staying max 90 days in one calendar year may, in exceptional cases, be invited to the Republic of Belarus for a period of max 90 days, for example, to give a course of lectures, to carry out installation of equipment or provide training services for the operational staff of the equipment and et. (Law of the Republic of Belarus “On External Labor Migration”).

Temporarily residing foreign citizens are employed on the grounds of a special permit.

Belarusian legislation allows to hire foreign workers upon condition of primary completion of certain administrative procedures and procurement of the appropriate permits:

- ***Permit for the attraction of foreign labor to the Republic of Belarus*** (Permission to employ a team of foreign workers — max 10 foreigners);

- ***Special permit for the right to conduct labor activities in the Republic of Belarus.***

The first step, both when obtaining permit for the attraction of foreign labor to the Republic of Belarus, and when obtaining special permits, is to provide information about the existence of vacant jobs to the district employment department where an employer organization is located.

The employer has the right to hire a foreign worker if the priority categories of workers (citizens of Belarus) do not respond to the vacancy or do not fit, for example, due to non-compliance with qualification requirements.

Prior to the applying for a special permit, information about the free vacancy must be placed at AIS “Republican Vacancy Bank” for at least 15 working days.

A foreigner who is assigned as the head of a commercial organization in which he was involved in (as the owner of the property, founder, participant) does not need to go through the abovementioned procedure.

Receipt of work permit for a group of foreigners

Obtaining this document is mandatory only for those organizations that intend to employ more than 10 foreign workers. In the case of attracting fewer workers, it is only necessary to obtain a special permit for every person.

The number of employees for obtaining a work permit for a group of foreign workers does not include:

- **highly qualified foreign workers** (must obtain min 5 years of relevant professional experience and the salary must exceed 15 times the min monthly salary rate, established in the Republic of Belarus, that is currently equivalent to \approx \$ 2,475);

- **foreign workers involved as the heads of the commercial organization in which they participated within the foundation period** (as the owner of the property, founder, participant).

To obtain a permit, the organization must submit the following documents to the Department of Citizenship and Migration of the Ministry of Internal Affairs:

- **Application in a standard format;**
- **A copy of the certificate of state registration of the employing organization;**
- **Draft employment contract with a foreign worker, certified by the signature of the head and seal.**

In addition to other mandatory conditions, an employment contract with a foreigner must also contain: the procedure, conditions for termination, amendment and extension of an employment contract; terms of transportation to the Republic of Belarus, food, accommodation, health services for the worker. An employment contract to be concluded in Russian or Belarusian language, as well as in the mother tongue or in another language understandable to the foreign worker.

- **A guarantee letter confirming the accommodation availability for foreign workers.**

This document reflects guarantees from the employing organization regarding the resettlement of foreign workers in residential premises.

- **A document confirming payment for the issuance of the Permit.**

For the issuance of the Permission, a fee of five basic units (≈ 60 \$) to be charged. Payment to be made in Belarusian rubles to the banking details of the Department of Citizenship and Migration.

If the tenant is an investor or an organization created by this investor after concluding an investment agreement within the implementation of an investment project, no fee will be charged for the Permission.

The Department of Citizenship and Migration considers these documents within 15 calendar days from the date of their submission. Validity of the Permit is 1 year. Upon the expiration of the permit, it is subject to renewal.

Receipt of special work permits for the foreigners

To obtain special permits, the following documents must be submitted to the Citizenship and Migration Department of the Central Internal Affairs Directorate of Minsk Executive Committee or to the Internal Affairs Directorate of the Regional Executive Committee (depending on the location of the employer organization):

- **Application in a standard format;**
- **A copy of the passport of a foreign worker with a notarized translation into Russian or Belarusian;**
- **A document confirming payment for the issuance of the special permit.**

For the issuance of special permits, a fee of five basic units (≈ 60 \$) to be charged. Payment to be made in Belarusian rubles to the banking details of the Department of Citizenship and Migration. If the tenant is an investor or an organization created by this investor after concluding an investment agreement within the implementation of an investment project, no fee will be charged for the special permission.

The Citizenship and Migration Department reviews these documents within:

- 7 calendar days from the date of their submission - if the tenant is an investor or an organization created by that investor after concluding an investment agreement within the implementation of an investment project, as well as a resident of the High-Tech Park and a member of the Infopark scientific and technological association;
- 15 calendar days from the date of their submission - for other employer organizations.

Validity of Special Permits:

- **in relation to highly skilled workers - 2 years;**
- **in relation to other foreign workers - 1 year.**

Upon the expiration of the Special Permit, it is subject to renewal.

Upon receipt of the Special Permit, the employer is required to conclude an employment contract with a foreign employee and submit it for registration to the Citizenship and Migration Department within a month. An employment contract with a foreigner apart from the mandatory terms should contain:

- the procedure, conditions for termination, amendment and extension of an employment contract;
- terms of transportation to the Republic of Belarus, food, accommodation, health services for the worker.

An employment contract to be concluded in Russian or Belarusian language, as well as in the mother tongue or in another language understandable to the foreign worker.

Carrying out labor activities without obtaining special permits is possible for:

- Citizens of Russia, Kazakhstan, Kyrgyzstan and Armenia;
- Foreign citizens holding a residence permit in the Republic of Belarus;
- Heads of representative offices of foreign organizations.

An employment of Ukrainian citizens is worthy of special mention. When hiring Ukrainian citizens who have lived at least one year in the territory of the Lugansk and Donetsk regions, the employer company is exempted from paying the state fee for issuing special permits and permits for the employment of a group of foreign workers.

Responsibility for violation of the rules of foreigners employment.

For the attraction of a foreign citizen or a stateless person to carry out labor activities without obtaining special permits, a warning or a fine of up to twenty basic units shall be imposed, that is equivalent to \approx \$ 255.

Also, in accordance with article 23.55 of the Code of Administrative Offenses for violation of labor legislation, the employee himself can be held liable in the form of a fine of up to 50 basic units (equivalent to \approx 635 \$) or deportation from the Republic of Belarus.

It is important!

Receiving special permission for the following foreigners is not needed:

- citizens of the Russian Federation and other member states of the EAEU;
- heads of representative offices of foreign organizations;
- winners (laureates) of national (international) competitions, awarded with awards in the field of their professional activity - upon hiring a resident of the High-Tech Park;
- and others in accordance with the Law of the Republic of Belarus dated December 30, 2010 No. 225-Z "On External Labor Migration"

Obtaining permission for the attraction of foreign labor is not necessary for foreigners:

- highly qualified employees;
- who are involved as heads of commercial organizations in the creation of which they participated (as the owner of the property, founder, participant);
- winners (laureates) of national (international) competitions, awarded with prizes in the field of their professional activity;
- citizens of EAEU member states.