



AIFC RULES ON KEEPING RECORDS OF FOREIGN LABOUR ATTRACTED BY AIFC PARTICIPANTS AND AIFC BODIES

AIFC RULES NO. 2 OF 2018

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PART 1: GENERAL

1.1. Name

These Rules are the *AIFC Rules on Keeping Records of Foreign Labour Attracted by AIFC Participants and AIFC Bodies 2018*.

1.2. Commencement

These Rules commence on the day they are adopted by the Board of Directors of the AIFCA.

1.3. Legislative authority

These Rules are adopted by the Board of Directors of the AIFCA under paragraph 3 of article 4, paragraph 3 of article 8 and subparagraph 5) paragraph 4 of article 11 of the Constitutional Statute and under section 12(3) of the AIFC Regulations *On AIFC Acts 2017*.

1.4. Applications of these Rules

These Rules apply within the jurisdiction of the AIFC.

1.5. Purpose of these Rules

These Rules define the order of keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies for its further referral to the Republic of Kazakhstan authorised state body on migration matters.

1.6. Interpretation

1.6.1 Schedule 1 contains definitions used in these Rules.

1.6.2 Terms used in these Rules (other than terms defined in Schedule 1) have the same meanings as they have, from time to time, in the AIFC Regulations, unless the contrary intention appears.

PART 2: CONDITIONS AND PROCEDURES OF KEEPING RECORDS OF FOREIGN LABOUR ATTRACTED BY AIFC PARTICIPANTS AND AIFC BODIES

2.1. Responsible Person

AIFCA conducts keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies by an AIFCA structural unit or organisation.

2.2. Initiation of the procedure of keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies

A Foreign Employee must admit to the AIFCA in person or through the Employer or a proxy (via power of attorney) not later than 14 days of the Foreign Employee's stay in Kazakhstan as a Work Visa or a Work Registration holder.

2.3. Submitted Documents

2.3.1. For the purpose of keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies, the Foreign Employee, or on his behalf, the Employer or a proxy submits the following documents to the AIFCA:

- (a) Foreign Employee's Application form;
- (b) copy of the Foreign Employee's national passport.

2.3.2. For the purpose of this rule, the provisions of Schedule 2 (Foreign Employee's Application form) is the model Keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies form.

2.4. Completion of the procedure of keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies

The keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies is completed only upon correct and full filling out of the Foreign Employee's Application form and submission of the copy of the Foreign Employee's national passport. Otherwise, the procedure of

keeping records of Foreign Labour attracted by AIFC Participants and AIFC Bodies is incomplete, unless the requirements set out in this rule are wholly fulfilled.

PART 3: CONCLUDING PROVISIONS

3.1. Change to information in submitted Documents

In case of any changes to the information in the submitted Documents prescribed by subrule 2.3.1, the Foreign Employee, or on his behalf, the Employer or a proxy (via power of attorney) within 14 days since these changes occur, circulates to the AIFCA a notification in Writing.

3.2. Electronic Records

The AIFCA keeps and updates in due time Electronic Records of a Foreign Employee's profile based on the submitted Application form and any notifications of the change to the information in the submitted Documents.

SCHEDULE 1: INTERPRETATION

In these Rules:

AIFC means Astana International Financial Centre.

AIFCA means AIFC Authority.

AIFC Body has the meaning given by article 9 of the Constitutional Statute and the document entitled *The Structure of the Bodies of the Astana International Financial Centre* adopted by the Management Council on 26 May 2016.

AIFC Participants has the meaning given by article 1(5) of the Constitutional Statute.

Document includes any summons, notice, statement, return, account, order, and other legal process, and any register.

Foreign Labour means the entirety of the Foreign Employees of AIFC Bodies, their organisations or AIFC Participants.

Foreign Employee means foreign national or stateless person who works or will work in the service of another person under an express or implied contract of hire under which the other person has the right to control the details of work performance. The other person is the Employee's Employer.

Electronic Records means Documents, information and other records, in whatever form and electronically stored.


Employer has the meaning given in AIFC Employment Regulations 2017.

Work Visa or **Work Registration** means the document, issued by the authorised state bodies of the Republic of Kazakhstan which entitles the holder to enter the territory of the Republic of Kazakhstan, for the purpose of performing paid work as an Employee for a limited amount of time.

Writing includes:

(a) in relation to a certificate, instrument, notice or other thing – the thing in any form that preserves a record of the information contained in it and is capable of being reproduced in tangible form, including by electronic means; and

(b) in relation to a communication – any method of communication that preserves a record of the information contained in it and is capable of being reproduced in tangible form, including by electronic means.

 <p>AIFC Astana International Financial Centre <small>ASTANA INTERNATIONAL FINANCIAL CENTRE AUTHORITY</small></p>	<h2 style="margin: 0;">FOREIGN EMPLOYEE'S APPLICATION FORM</h2>	<p>SCHEDULE 2 to the AIFC Rules on Keeping Records of Foreign Labour attracted by AIFC Participants and AIFC Bodies</p>		
PERSONAL INFORMATION				
First Name:	Family Name:	Date of Birth (dd-mm-yyyy):	Gender:	
_____	_____	_____	_____	
Citizenship:	Country of Domicile:	Home Address in Astana:		
_____	_____	_____		
Place of Birth:	PASSPORT INFORMATION:	Date of Issue:	Date of Expiry:	
_____	No: _____	_____	_____	
PROFESSIONAL INFORMATION				
Name of Organisation (AIFC Body or Participant):				

Position / Job Title in the AIFC Body or Participant:				

EDUCATION:				
Academic Degree Obtained (if any):		Area / Academic Major:		
_____		_____		
ACCOMPANYING DEPENDENTS INFORMATION <i>(use supplementary sheet if needed)</i>				
First Name:	Family Name:	Date of Birth (dd-mm-yyyy):	Relation to Foreign Employee:	Citizenship:
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
EMPLOYEE				
<p>I certify that all the information provided above was completed before I signed this form and is full, correct and true.</p> <p>I hereby consent to the processing by the AIFCA of the personal data pertaining to me, including, but not limited to the collection, recording, organisation, storage, adaptation or alteration, retrieval, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction of thereof, as per the AIFC Data Protection Regulations as well as the National Statute of the Republic of Kazakhstan dated 21 May 2013 entitled On Personal Data and its Protection.</p>				
_____	_____	_____	_____	_____
(Date)	(Name)	(Signature)		
EMPLOYER				
<p>We hereby confirm that the abovementioned Foreign Employee is indeed our employee, holding a valid contract of employment with our organisation:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(Name of the organisation)</p> <p>All the information provided above was closely inspected in apropos means by our HR service and is indeed full, correct and true.</p> <p>Our organisation confirms that the abovementioned Foreign Employee indeed possesses high qualifications and that the HR service of our organisation keeps documents confirming high qualifications of this Foreign Employee, as per the requirement of the Constitutional Statute of the Republic of Kazakhstan dated 7 December 2015 entitled On Astana International Financial Centre, and the acts of the AIFC.</p>				
_____	_____	_____	Stamp here	_____
(Date)	(Name of the HR manager)	(Signature)		