

REGULATION
**ON THE ORDER OF ATTRACTION AND USE OF FOREIGN LABOR FORCE IN THE
REPUBLIC OF UZBEKISTAN**

Chapter 1. General provisions

1. This Regulation defines the conditions and procedure for the issuance (extension) of permits to attract foreign labor to the Republic of Uzbekistan, as well as the issuance (extension) of confirmations to foreign citizens for the right to work in the territory of the Republic of Uzbekistan.

2. This Regulation shall not apply to the following categories of foreign citizens:

persons specified in subparagraph "a" of paragraph 5 of the Resolution of the President of the Republic of Uzbekistan dated November 7, 2018 No. PP-4008 "On measures on creation of favorable conditions for realization of labor activity on the territory of the Republic of Uzbekistan by qualified specialists of foreign states";

employees of permanent missions of foreign states, representatives of international intergovernmental organizations and governmental organizations of foreign states accredited to the Ministry of Affairs of the Republic of Uzbekistan, as well as other persons with diplomatic status;

specialists employed in the field of tourism at the request of the State Committee of the Republic of Uzbekistan for the development of tourism, for up to three months;

founders of foreign and joint ventures operating or established in the territory of the Republic of Uzbekistan for up to three months;

scientists and cultural workers engaged in labor activity in the territory of the Republic of Uzbekistan in organizations established in accordance with international agreements;

students undergoing practical training during the holidays in the framework of programs of educational institutions of higher education of the Republic of Uzbekistan;

press representatives accredited to the Ministry of Foreign Affairs of the Republic of Uzbekistan;

employees of non-governmental non-profit organizations, as well as representatives and branches of international and foreign non-governmental (non-governmental) non-profit organizations accredited by the Ministry of justice of the Republic of Uzbekistan;

teachers and specialists involved in the work in Presidential schools in the Republic of Karakalpakstan, regions and Tashkent city, as well as in higher educational institutions;

persons who have received a residence permit in the Republic of Uzbekistan;

persons for whom international agreements of the Republic of Uzbekistan define a different order of employment.

3. In this Regulation the following basic concepts are used:

highly qualified specialist — a foreign citizen who has graduated from a higher educational institution, included in the rating of 1000 internationally recognized higher educational institutions, the list of which is approved by a joint resolution of the Ministry of higher and secondary special education and the State inspection for supervision of the quality of education under the Cabinet of Ministers of the Republic of Uzbekistan, having experience of at least 5 years in the declared specialty or specialty diploma, the conditions of employment in the Republic of Uzbekistan of whom involve the receipt of wages (remuneration) in the amount of not less than the amount equivalent to 60 thousand US dollars per year;

qualified specialist — a foreign citizen with higher education, work experience of at least 5 years in the declared specialty or specialty diploma, the conditions of employment in the Republic of Uzbekistan of whom involve the receipt of wages (remuneration) in the amount of not less than the amount equivalent to 30 thousand US dollars per year;

employer — a legal entity operating in the territory of the Republic of Uzbekistan, or a citizen of the Republic of Uzbekistan, an individual entrepreneur, as well as a foreign individual permanently residing in the territory of the Republic of Uzbekistan, including in the person of its legal representative;

permit — a document giving the right to the employer to attract foreign labor in the Republic of Uzbekistan;

confirmation — a document giving the right to a foreign citizen to carry out labor activity on the territory of the Republic of Uzbekistan;

compatriot — a native of Uzbekistan, who went abroad and became a citizen of a foreign state, who retained a sense of spiritual and cultural involvement in the Homeland and aspires to the development of friendly cultural, humanitarian, socio-economic and other ties with the Republic of Uzbekistan, as well as a foreign citizen or stateless person living abroad, identifying him/herself as an Uzbek or Karakalpak by ethnic and linguistic affiliation, as from a cultural and historical point of view, and wishing to maintain a comprehensive relationship with Uzbekistan.

4. Attraction of foreign labor force by employers to the Republic of Uzbekistan without permission is prohibited.

When attracting highly qualified and (or) qualified specialists, as well as teachers and specialists to work in Presidential schools and higher educational institutions, the employer does not need to obtain a permit.

5. The permit is issued to the employer for a period of one year strictly for the number and specialties (positions) of foreign citizens specified in it. In this case, the number and specialty (position) requested by the employer of foreign citizens should meet its actual needs for labor.

6. The employment of foreign citizens in the territory of the Republic of Uzbekistan without confirmation is prohibited.

7. In the implementation of the procedure for issuing permits and confirmations:

a) the Agency for external labour migration under the Ministry of employment and labour relations of the Republic of Uzbekistan (hereinafter — the Agency) issues permits and (or) confirmations;

b) the territorial labour authorities shall send their conclusions to the Agency for the issuance of confirmations.

8. The exchange of information between the centers of public services, the Agency and territorial labor bodies is carried out exclusively through interdepartmental electronic interaction, with the mandatory use of electronic digital signature (hereinafter — EDS).

9. Issuance (extension) of permits to employers and confirmations to foreign citizens is carried out by the Agency under the schemes in accordance with Annexes No. 1 and 1a to this Regulation.

10. In order to ensure timely consideration and adoption of an objective decision on the submitted documents of employers for obtaining permits and (or) confirmations, the order of the head of the Agency creates a Commission consisting of an odd number, but not more than 7 people from among the employees of the Agency.

The decision on issue (extension) or refusal in issue (extension) of permissions and (or) confirmations is made by the Commission by the majority of votes of its members and is made out by the Minutes of its meeting.

Chapter 2. Procedure for issuance (extension) of permissions

11. In order to obtain a permit, the employer applies to the Public Service Centers on a voluntary basis.

To obtain a permit in electronic form, the employer is registered on the Single portal of interactive state services of the Republic of Uzbekistan (hereinafter-SPISS) or online platform for obtaining permits for attracting foreign labor and confirming the right to work in the territory of the Republic of Uzbekistan (hereinafter — the online platform).

12. If an employee of the Public Services Center applies on behalf of the employer, and in case of an appeal through SPISS or an online platform, the employer independently fills in an electronic application form in accordance with Annex No. 2 to this Regulation.

The application shall be accompanied by a copy of the passport of the employer — an individual or the head of a legal entity.

It is strictly prohibited to require employers to submit documents and information not specified in this paragraph.

13. After filling in the application, as well as the attachment of the necessary documents, the employer certifies the application of its EDS.

Employee of the State Service Centre, SPISS and an online platform in advance notify employers about the mandatory availability of EDS in the permit.

Public Service Centers are required to provide all the necessary conditions for employers to receive EDS on the spot.

14. A fee of minimum earnings is charged for processing the application.

Confirmation of payment of the application fee is carried out through information and communication systems.

Application fees are allocated as follows:

20 percent are credited to the personal account of the extra-budgetary Fund of the Agency of state services under the Ministry of Justice of the Republic of Uzbekistan;

10 percent are credited to the special account of the Ministry for development of information technologies and communications of the Republic of Uzbekistan;

the remaining funds are credited to the Bank account of the Agency.

15. Absence of EDS at the employers or refusal to receive it, indication of false information in the application, as well as failure to pay the application fee are the grounds for refusal to accept the application. Refusal to accept the application on other grounds is strictly prohibited.

16. The employer has the right to withdraw its application at any stage of its consideration.

In case of withdrawal of the application by the employer it is left without consideration. In this case, the amount of the fee paid for the consideration of the application is non-refundable.

17. If you apply for a Public Service Centers within one hour from the time of filling out the application is sent to the Agency.

When applying through the SPISS or online platform, the application is automatically sent to the Agency.

18. The Agency within fifteen working days from the date of receipt of the application:

examines the compliance of the number and specialties (positions) requested by the employer of foreign citizens of its actual needs in the workforce;

sends to the Public Services Centers (when applying in person) or the employer (when applying electronically) through the SPISS or online platform notification of the decision, indicating the amount of the fee for the issuance of a permit, in case of a decision on the issuance of a permit.

19. The Public Services Centre shall, within one hour after receipt of the notice of the decision, issue it to the employer by affixing the seal on it.

20. The grounds for refusal to issue a permit are:

indication of false information in the application;

discrepancy of quantity and specialties (positions) requested by the employer of foreign citizens of its actual need for labor;

the presence of the fact of employment under an employment contract of foreign citizens without obtaining permits and confirmations in the prescribed manner.

It is strictly prohibited to refuse to issue a permit on other grounds.

21. The employer, within five working days after receipt of the notice of issue of the permit, shall pay the fee for the issuance of the permit in the amount of fifty times the minimum earnings.

Confirmation of payment of the permit fee is carried out through information and communication systems.

The amounts of the permit fees are distributed in the following order:

50 percent are sent to the Fund for support and protection of the rights and interests of citizens engaged in labor activity abroad, under the Ministry of employment and labor relations of the Republic of Uzbekistan;

50 percent are credited to the Bank account of the Agency.

22. In case of failure to pay the fee for the issuance of a permit within five working days after receipt of the notification of the issuance of a permit, the employer has the right to re-apply for a permit in the general procedure.

23. The Agency within one working day after the payment of the fee for the issuance of the permit shall issue the permit in the form according to Annex No. 3 to this Regulation and confirm it with its EDS.

24. The Agency on the day of registration of the permit sends it to the Public Services Center (at the address in an appearance order) or to the employer (at the address in electronic form) through SPISS or the online platform.

The Public Services Centre shall, within one hour of receipt of the permit, issue it to the employer by affixing the seal on it.

25. The permit shall be terminated in the following cases:

applications of the employer for termination of the permit;

liquidation of the employer — legal entity — from the date of liquidation or termination of its activities as a result of reorganization — from the date of reorganization, except for its transformation, as well as merger, if the reorganized legal entities on the date of state registration of the newly emerged legal entity document of permissive nature for the Commission and (or) the implementation of the same action and (or) activity;

termination of the certificate of state registration of a business entity of an individual employer;

death, limitations of capacity in the established order, recognition of the physical person — the employer as incapable;

non-elimination of the revealed violations in the terms specified in the instructions of labor bodies issued to employers;

failure by the employer to eliminate the circumstances that led to the suspension of the permit, within the period established by the court;

establishing the illegality of the Agency's decision to issue a permit;

expiration of the permit.

26. Renewal of the permit is carried out in the manner prescribed for obtaining a permit.

To extend the term of the permit the employer applies for the twenty business days prior to the expiration of the term of the permit.

Chapter 3. Procedure for issuance (extension) of confirmations

27. To obtain confirmation, the employer applies to the Public Services Centre on a voluntary basis.

To receive confirmation electronically, the employer is registered on the SPISS or online platform.

28. If an employee of the Public Services Centre applies on behalf of the employer, and in case of an appeal through SPISS or an online platform, the employer independently fills in an electronic application form in accordance with Annex No. 4 to this Regulation.

Documents in electronic form according to the list according to Annex No. 5 to this Regulation are attached to the application.

It is strictly prohibited to require employers to submit documents and information not specified in this paragraph.

29. After registration and entering information into the application, as well as the application of the necessary documents, the employer certifies the application of his EDS.

The employee of the Public Services Centre, SPISS and the online platform notify employers in advance of the mandatory presence of EDS to obtain confirmation.

Public Services Centers are required to provide all the necessary conditions for employers to receive EDS at the place.

30. A fee of one minimum earning is charged for processing the application.

Confirmation of payment of the application fee is carried out through information and communication systems.

Application fees are allocated as follows:

20 percent are credited to the personal account of the extra-budgetary Fund of the Agency of state services under the Ministry of Justice of the Republic of Uzbekistan;

10 percent are credited to the special account of the Ministry for development of information technologies and communications of the Republic of Uzbekistan;

the remaining funds are credited to the Bank account of the Agency.

31. Absence of EDS at the employers or refusal to receive it, indication of false information in the application, as well as failure to pay the application fee are grounds for refusal to accept the application.

Refusal to accept the application on other grounds is strictly prohibited.

32. The employer has the right to withdraw its application at any stage of its consideration.

In case of withdrawal of the application by the employer it is left without consideration. In this case, the amount of the fee paid for the consideration of the application is non-refundable.

33. In case of application in person, the Public Services Centers within one hour from the moment of filling out the application send it to the Agency and the relevant territorial labor authority.

When applying through the SPISS or online platform, the application is automatically sent to the Agency and the relevant territorial labor authority.

34. Territorial labor authority within five working days from the date of receipt of the application:

studies the feasibility of employing foreign citizens, subject to the availability of domestic labour force for the employer job vacancies;

sends to the Agency via SPISS or online platform the conclusion in electronic form on expediency or in expediency of attraction of foreign citizens.

35. The Agency within fifteen working days from the date of receipt of the application:

studies the correspondence of the number and specialties (positions) of foreign citizens to the actual needs of the employer in the workforce;

sends to the Public Services Centers (when applying in person) or the employer (when applying electronically) through the SPISS or online platform notification of the decision, indicating the amount of the fee for the issuance of confirmation, in case of a decision to issue a confirmation.

36. The Public Services Center shall, within one hour after receipt of the notice of the decision, issue it to the employer by affixing the seal on it.

37. The grounds for refusal to issue a confirmation are:

indication of false information in the application;

presence of the conclusion of the relevant territorial authority on labor on in expediency of attraction of foreign citizens;

the discrepancy in the number of professions (positions) of foreign citizens attracted to the actual needs of employers in the workforce;

the presence of the fact of employment under an employment contract of foreign citizens without receiving confirmations in the prescribed manner.

Refuse to issue a confirmation on other grounds is strictly prohibited.

38. The employer within five working days after receipt of the notification on issue of confirmation carries out payment of fee for issue of confirmation in the following sizes:

for highly qualified specialists, as well as teachers and specialists involved in the work of the Presidential schools and higher education institutions — in the amount of one minimum earnings;

for qualified specialists — in the amount of two minimum earnings;

for compatriots — in the amount of two minimum earnings;

for other foreign citizens — in the amount of thirty minimum earnings.

Confirmation of payment of the fee for the issuance of confirmation is carried out through information and communication systems.

The amounts of fees for issuing the confirmation are distributed in the following order:

50 percent are sent to the Fund for support and protection of the rights and interests of citizens engaged in labor activity abroad, under the Ministry of employment and labor relations of the Republic of Uzbekistan;

50 percent are credited to the Bank account of the Agency.

39. In case of failure to pay the fee for the issuance of confirmation within five working days after receipt of the notification of the issuance of confirmation, the employer has the right to re-apply for the issuance of confirmation in the general order.

40. The Agency within one working day after the payment of the fee for the issuance of confirmation shall issue a confirmation in the form in accordance with Annex No. 6 to this Regulation and confirms it with its EDS.

41. The Agency on the day of registration of the confirmation sends it to the Public Services Center (if you apply in person) or the employer (if you apply electronically) through the SPISS or online platform.

The Public Services Center shall, within one hour of receipt of the confirmation, issue it to the employer by affixing the seal on it.

42. The confirmation shall be terminated in the following cases:

appeals of a foreign citizen with an application for termination of the confirmation;

early termination of employment contracts of foreign citizens with employers;

liquidation of the employer — legal entity — from the date of liquidation or termination of its activities as a result of reorganization — from the date of reorganization, except for its transformation, as well as merger, if the reorganized legal entities on the date of state registration of the newly emerged legal entity document of permissive nature for the commission and (or) the implementation of the same action and (or) activity;

termination of the certificate of state registration of a business entity of an individual employer;

death, limitations of ability capacity in the established order, recognition of the physical person — the employer as incapable;

non-elimination of the revealed violations within the terms specified in the instructions of labor bodies issued to foreign citizens;

non-elimination of the circumstances by foreign citizens that led to the suspension of the validity of the confirmation, within the period established by the court;

establishing the illegality of the Agency's decision to issue a confirmation;

the expiration of the confirmation.

After early termination of the contract with the employer, highly qualified and qualified specialists have the right to search for a new employer within thirty working days. During this period, the validity of previously issued confirmations, visas and residence permits remains.

43. Prolongation of validity period of confirmation is carried out in the order established for receipt of confirmation.

To extend the validity of the confirmation, the employer applies twenty working days before the expiration of the confirmation.

44. Confirmations are issued to employers for highly qualified and qualified specialists, as well as teachers and specialists involved in work in Presidential schools and higher education institutions for the duration of employment contracts, but not more than three years, with the possibility of an unlimited number of extensions, but not more than three years in each case. At the same time, highly qualified and qualified specialists have the right to work part-time on the territory of the Republic of Uzbekistan without obtaining confirmation for part-time work.

Confirmations for other foreign citizens are issued for the duration of the employment contract, but not more than one year, with the possibility of an unlimited number of extensions, but not more than one year in each case.

45. In case of early termination of employment contracts with foreign citizens, employers should submit a copy of the dismissal orders to the Agency within three working days.

Chapter 4. Renewal and issue of duplicates of permits and confirmations

46. The renewal of the permits and (or) confirmations is carried out in accordance with the procedure established for obtaining permits and (or) the confirmation order, with the following features:

the application for reissuance of the permit and (or) confirmation shall be accompanied by documents and information confirming the change of the data specified in the permit and (or) confirmation, while the application of other documents and information is not required;

the period of consideration by the Agency of the application for reissuance of the permit and (or) confirmation is five working days;

the fee for the issuance of a reissued permit and (or) confirmation is 50 per cent of the minimum earnings.

47. The issuance of duplicate permits and (or) confirmations is carried out in accordance with the procedure established for obtaining permits and (or) confirmations, taking into account the following features:

the application for the issuance of a duplicate permit and (or) confirmation of the application of any documents and information is not required;

the term of consideration of the application for a duplicate permit and (or) confirmation by the Agency is five working days;

the fee for the issuance of a duplicate permit and (or) confirmation is 50 per cent of the minimum earnings.

48. The amounts of fees for issuing a renewed permit and (or) confirmation, as well as for issuing a duplicate of the permit and (or) confirmation are distributed in the following order:

20 percent are credited to the personal account of the extra-budgetary Fund of the Agency of state services under the Ministry of Justice of the Republic of Uzbekistan;

10 percent are credited to the special account of the Ministry for development of information technologies and communications of the Republic of Uzbekistan;

the remaining funds are credited to the Bank account of the Agency.

Chapter 5. The powers of labor authorities to streamline the attraction of the foreign labor and control of legislation requirements compliance

49. In order to protect the internal labor market, the labor authorities monitor the compliance of employers with the requirements of this Regulation, as well as analyze the number of foreign citizens attracted to the Republic of Uzbekistan, taking into account the real industry and territorial needs.

50. Verification of compliance with the requirements of this Regulation is carried out by inspectors of the State Labour Inspectorate of the Ministry of employment and labour relations of the Republic of Uzbekistan (hereinafter — the State Labour Inspectorate) and its territorial units in the presence of information on violations, including information from the Agency, appeals of individuals and legal entities.

51. The inspectors of the State Labour Inspectorate and its territorial divisions carry out control of the legality of employment and conditions of work of foreign citizens and observance of their rights according to the legislation of the Republic of Uzbekistan.

52. For the organization of control, inspectors of the State Labour Inspectorate and its territorial subdivisions collect information provided by the Agency about employers, as well as about the availability and correctness of permits and (or) confirmations issued by the Agency.

53. Inspectors of the State Labour Inspectorate and its territorial subdivisions shall carry out the inspection in accordance with the tasks and functions assigned to them:

compliance by employers with the terms of permits and (or) confirmations, as well as the requirements of labor legislation, labor protection, employment, compulsory insurance of civil liability of the employer and this Regulation;

professional qualification of foreign citizens for compliance with the requirements of the decree of the President of the Republic of Uzbekistan dated November 7, 2018 No. PP-4008 "On measures to create favorable conditions for employment in the territory of the Republic of Uzbekistan by qualified specialists of foreign states".

54. The results of the inspections are reported to the heads of the State Labour Inspectorate and its territorial subdivisions, respectively, with the subsequent informing of the Agency.

Employees of the Agency can be involved in the verification of the activities of employers on-site.

55. The Agency together with the State Tax Committee of the Republic of Uzbekistan quarterly checks the amounts of taxes paid from the income of highly qualified and qualified specialists.

After the inspection, an act of reconciliation on the form according to Appendix No. 7 hereto.

56. In case of detection of violations by employers and (or) foreign citizens of conditions of the provided permissions and (or) confirmations, requirements of this Regulation, and also the legislation of the Republic of Uzbekistan, labor authorities send the corresponding instructions on elimination of the revealed violations.

The requirements shall specify the time frame for the elimination of the detected violations, commensurate with the time required to eliminate them.

The validity of permits and (or) confirmations shall be terminated in cases of non-elimination of violations within the period specified in the instructions of labor authorities issued to employers and (or) foreign citizens.

Chapter 6. Final provisions

57. The Public Service Centers, the Agency and the territorial labour authorities should ensure the confidentiality of information on employers and foreign nationals obtained as a result of their activities.

58. Archival files on employers and (or) foreign citizens who have received permits and (or) confirmation are stored for one year. This period shall be calculated from the date of expiry of permits and (or) confirmations.

59. Actions of employees of state bodies and other organizations may be appealed by employers and foreign citizens in the manner prescribed by law.

60. Persons guilty of violating the requirements of this Regulation shall be liable in accordance with the procedure established by law.