

Experts of Confidence Group are answering questions 06.05.2022

Experts of Confidence Group receive a huge number of questions. We have decided to publish our position on the most frequently asked questions:

Question: Is it possible to consider the statement that you can send foreign citizens to remote work only with permits in the regions of their location correct? After all, in fact, employees work remotely in the systems and networks of the employer, and issuing a work permit, for example, is possible only in a region where the employer has a separate subdivision?

Answer: We perfectly understand the complexity of this issue, since it is impossible to obtain permits in regions where the employer does not have a representative office/separate subdivision, however, when recruiting for remote work, this fact does not cancel the disposition of paragraph 4.2 of Article 13 of the Federal Law of July 25, 2002 N 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", which states that "a foreign citizen is not entitled to work outside the boundaries of the subject of the Russian Federation in the territory of which he was issued a work permit or a patent". In addition, according to Art. 312.1 of the Labor Code of the Russian Federation "distant (remote) work (hereinafter referred to as remote work, the performance of a labor function remotely) is the performance of a labor function defined by an employment contract outside the location of the employer, its branch, representative office, other separate structural unit", therefore, it cannot be argued that in terms of remote work a foreign citizen still carries out his labor activity within the subject of registration of the employer. It is also important that, according to Art. 57 of the Labor Code of the Russian Federation, the employer is obliged to indicate the place of work in the employment contract.

Therefore, there is a conflict due to the impossibility of obtaining documents for carrying out labor activities remotely outside the subject of the location of the employer (or its separate/structural divisions), and, on the other hand, due to the impossibility of carrying out labor activities without permits.

Question: How is the 6-month period of stay of a foreign employee outside the Russian Federation, which is the basis for the cancellation of a work permit, calculated? In total or in a row?

Answer: The term under discussion is spelled out in the wording of paragraph 9 of art. 18 of the Federal Law of July 25, 2002 N 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation", which states that a work permit is canceled if the holder of the permit is outside the Russian Federation for more than 6 months. Unfortunately, this legislative act does not specify whether such a period is considered in total within a year or in a row. We hope that this provision will be finalized and have already sent several requests on this issue, to which we received conflicting answers, and we have also prepared a petition that we will invite you to sign after moderation.

Question: What is the time frame for a second medical examination for foreign citizens who have passed such an examination before March 1, 2022?

Answer: We know that, in this matter, many rely on the explanations of the Ministry of Internal Affairs of the Russian Federation and the Ministry of Health of the Russian Federation, where it is unreasonably stated that medical documents received before March 1, 2022 are valid for 1 year. You can find our position on this issue [here](#). We are of the opinion that it is safer to assume that medical documents received before March 1, 2022 are valid for 3 months, and on this basis, re-pass a medical examination in order to avoid cancellation of documents.

If you would like to get answers to your questions or you have situations that require expert advice, please contact our company, all our contact details are [here](#).

For more information, please contact the consultants of the Confidence Group company.

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