

News Flash

February 2015



**Amended procedure for providing
work permits to foreigners and
stateless citizens in Ukraine**

The government of Ukraine amended the procedure for employing foreigners and persons without citizenship

The Cabinet of Ministers of Ukraine by its Resolution No.42 of 28.01.2015 “On some issues of deregulation of economic activity” (herein after referred to as – the Resolution 42) introduced a number of changes into legislative acts related to issuing, extension and cancellation of work permits for foreign employees and stateless persons”, approved by the Resolution No.437 of the Cabinet of Ministers of Ukraine dated 27.05.2012.

More reasons to employ foreigners

According to the Resolution 42 the procedure for obtaining employment permit for foreigners and stateless persons was amended as described below.

The regulation says that persons who are under the process to obtain the refugee status or the ones who require additional relief, as well as persons who submitted documents to extend their work permit shall be not charged for obtaining this permit.

Moreover, the amended regulation extends the list of reasons when employment of foreigners and stateless persons is desirable and reasonably sufficient. Thus, if the foreigner or a stateless person (except the earlier defined reasons):

- applies for a position of MD or ASP developer, software developer or software technician in IT company;
- has a diploma of one of the below listed high schools belonging to the first category of one of the following world ratings:
- Times Higher Education according to certain category of profession;
- Academic Ranking of World Universities by the Center for World-Class Universities at Shanghai Jiao Tong University;
- QS World University Rankings by Faculty;
- Webometrics Ranking of World Universities,

the employment of such persons is considered as appropriate and sufficiently justified.

Shorter timeline to issue work permit

The Resolution 42 significantly shortens the timeline to obtainment, extension and cancellation of work permit for foreigners and stateless persons, in particular:

1. the timeline for the local authority to decide to issue, extend or to deny issuing, extension of work permit is shorted from 15 calendar days to 7 working days from the day of documents registration;
2. the timeline for execution of the local authority's decision is shorted to 2 working days;
3. work permit shall be paid within 10 working days starting from date of work permit approval. If there is delay in payment work permit is going to be cancelled;
4. timeline for execution and obtainment of the very permit is shorted from 10 to 3 working day upon crediting the funds to the account.

It is to be recalled that until now since adoption of the Resolution of the Cabinet of Ministers of Ukraine dated 27.05.2013 No.437 on “Issuance, Extension and Annulment of Permit for Employment of Foreigners and Stateless Persons” the permits had not been provided by local authorities and the legal reason for employment of foreigners and stateless persons was the Extract from the Order on positive decision to issue (extend) permit for employment of foreigners or stateless persons in Ukraine or when person applied for extension – the employment permit provided under the Resolution of the Cabinet of Ministers of Ukraine

dated 08.04.2009 No.322 had to be fulfilled accordingly.

No need to pay for extension of work permit

The Resolution significantly amended paragraph 18 and specified that the employment permit shall be issued for the period set by the Labour agreement (contract) but no longer than one year. If the Labour agreement (contract) is termless, the permit is issued for one year. The validity of such permit can be extended any number of times for the same period.

As it appears from the foregoing provision fee for employment permit shall be paid once it is issued and should not be executed in case of further permit extensions.

It is a reminder that that till today the fee had not been paid when work permit was extended only once after that there was a necessity to obtain new work permit.

Labour Contract expired – notify local authorities

Unlike paragraph 29 of the previous edition where there was indicated that the employer

shall inform in written the local authority which issued the permit, on early termination of the Labour agreement (contract) concluded with the foreigner or stateless person within three working days, the amended paragraph 29 says that the employer shall notify in written the local authority on termination of the Labour agreement (contract) with the foreigner or stateless person within three working days since the date of termination.

Therefore, if earlier the procedure required to notify on termination of labour relationships with foreigner only in case of early termination, now the employer is obliged to notify the local authority on the termination of labour relationships with the foreigner in any case, even when of Labour agreement (contract) is expired.

Fee for work permit is the same

The fee for permit on employment of foreigners or stateless persons remained the same and considering the amount of the minimum salary for 2015 it is set as **4 872 UAH** (as of 25.02.2015 – EUR 152,4) through November 2015 and **5 512 UAH** (as of 25.02.2015 – EUR 172,5) starting from December 2015.

Disclaimer

Please note that our publications have been prepared for general guidance on the matter and do not represent a customized professional advice. Furthermore, because the legislation is changing continuously, some of the information may have been modified after the publication has been released. Accace does not take any responsibility and is not liable for any potential risks or damages caused by taking actions based on the information provided herein.

Contact

Tetiana Bagmet

Corporate Services Consultant

E-Mail: Tetiana.Bagmet@accace.com

Phone: +380 44 569 33 10



About Accace

With more than 250 professionals and branches in 7 countries, Accace counts as one of the leading outsourcing and consultancy services providers in Central and Eastern Europe. During past years, while having more than 1400 international companies as customers, Accace set in motion its strategic expansion outside CEE to become a provider with truly global reach.

Accace offices are located in Czech Republic, Hungary, Romania, Slovakia, Poland, Ukraine and Germany. Locations in other European countries and globally are covered via Accace's trusted partners network.

More about us on www.accace.com