

Charitable organisation and public association in Ukraine

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The most common forms of organisations that carry out charitable and social activities in Ukraine are a public association (PA) and a charitable organisation (CO). Both legal forms of organisations have their peculiarities, pros and cons.

1. Types and aims of PAs and COs

Public associations are voluntary associations of individuals or legal entities under private law. The main task of a PA is to represent and protect common interests of its members. Based on its legal form, a public association is established as a public organisation or a public union.

A public organisation is a public association whose founders and members (participants) are individuals. A public union is a public association whose founders are legal entities of private law and whose members (participants) may be both legal entities of private law and individuals.

A public association may operate with or without the status of a legal entity. A public association with the status of a legal entity is a not-for-profit company whose main purpose is other than to make a profit. Public organisations in Ukraine have the right to dispose of funds and other property transferred or donated by their members, the state, individuals or legal entities, as well as acquired by the organisation as a result of its business activities, in particular, with its further use for charitable purposes.

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A charitable organisation in Ukraine may be established as a charitable company, charitable institution, or charitable foundation, taking into account the specifics determined by the laws of Ukraine. A charitable company is a charitable organisation established by at least two founders and operating on the basis of a charter. A charitable foundation (CF) in Ukraine may be established by one or more founders.

Unlike a public organisation, the primary purpose of establishing a charitable organisation (charitable foundation) is to provide assistance to recipients of such assistance in various areas of life (education, healthcare, environmental and animal protection, social protection and material security), as well as to support and develop such areas of activity.

2. Main differences between a charitable foundation and a PO

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3. State registration of COs and POs

To begin with, it is necessary to choose the appropriate type of a charitable organisation or public association, determine the aim, area, and activities of the organisation, identify funding sources, and prepare the necessary documents.

For state registration of a PO with the status of a legal entity, the following documents must be submitted:

- a charter of the PO;
- minutes of the constituent meeting of the PO founders;
- a register of persons who participated in the constituent meeting of the PO founders;
- information on the PO governing bodies;
- an ownership structure in the form and content determined in accordance with the legislation of Ukraine;
- a notarised copy of the identity document of the person who is the ultimate beneficial owner of the legal entity.

To register an PO without the status of a legal entity, the following documents must be submitted:

- minutes of the constituent meeting of the PO founders;
- a register of persons who participated in the constituent meeting of the PO founders;
- information about the PO founders.

The list of documents required to establish a charitable organisation differs depending on the type of charitable organisation to be established. For instance, when it comes to a charitable company or a charitable foundation, the constituent document is a charter, while in the case of a charitable institution, its constituent document is a constituent act.

To register a CF, the following documents are required:

- decision or protocol on the CF establishment;
- a charter of the CF;
- description of the ownership structure of the CF;
- a notarised copy of the passports of the ultimate beneficial owners of the CF.

4. Employment of foreign nationals in COs and POs

In accordance with the Law of Ukraine "On Employment of the Population", foreign nationals who come to Ukraine for employment are hired by employers on the basis of a work permit for foreigners and stateless persons.

Such a permit can be obtained in Ukraine at the regional employment centre at the CO's or PO's location by submitting the following documents:

- an application;
- copies of the pages of the foreigner's passport document with personal data together with a duly certified translation into Ukrainian;
- a colour 3.5x4.5 cm photograph of the foreigner;
- a copy of the draft employment agreement (contract) with the foreigner.

If there are no grounds for refusing to issue a work permit in Ukraine, the regional employment centre shall make a decision to grant such a permit and, within two business days from the date of its approval, shall publish the relevant information on its official website and notify the employer.

5. Obtaining a temporary residence permit in Ukraine

The period of stay for foreigners who are citizens of states requiring a visa to enter Ukraine, as well as stateless persons, is limited to the validity of the visa. In other words, a foreigner or stateless person may temporarily stay in Ukraine for the duration of the permitted period of stay granted by the visa, but not more than until the last day of the visa's validity.

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Citizens of states with a visa-free entry procedure may temporarily stay in Ukraine for up to 90 days within 180 days, unless a different period is specified by international agreements of Ukraine.

However, this period of stay may be insufficient for foreigners. Therefore, a reliable and convenient solution is to obtain a temporary residence permit in Ukraine.

A temporary residence permit enables a foreigner to stay freely in Ukraine, and allows free entry and exit, bypassing visa formalities and possible border obstacles related to martial law in Ukraine.

In addition, the residence permit guarantees the possibility of official registration of residence in Ukraine, which provides additional guarantees and benefits during the stay of a volunteer or foreign employee in Ukraine.

In order to obtain a temporary residence permit, a foreigner must apply to the territorial body of the State Migration Service of Ukraine and submit the following documents:

- a passport and a copy of the passport of a foreigner with a type D (long-term) visa;
- translation into Ukrainian of the page of the foreigner's passport with personal data, certified in accordance with the procedure established by law;
- a valid health insurance certificate for the entire period of validity of the residence permit;
- a document confirming payment of the administrative fee in the amount of UAH 1,258 (about USD 34);
- a work permit in Ukraine and a copy of it.

If there are no grounds for refusing to issue a temporary residence permit in Ukraine, it is granted within 15 working days from the date of receipt of the documents from the foreigner.