

## Application for a work permit in Ukraine

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Before starting to work in Ukraine, a foreign national (or a stateless person) must first obtain a work permit from the competent employment office.

The first thing to note is that it is not the foreign national but the employer (company) who has to apply for a work permit. It is also worthy of mention that the work permit is issued on the name of the employer, not the employee, with an indication of the employee's (foreign national's) name and position to be occupied.

Therefore, the work permit is limited (it does not grant an unlimited access to the Ukrainian labour market) and tied to a particular employer.

Foreign nationals or stateless persons who have a permanent residence permit in Ukraine do not need to obtain a work permit. Furthermore, no work permit is required when it comes to employment with foreign representative offices in Ukraine, or foreign nationals or stateless persons are involved in the implementation of international technical assistance projects.

The procedure for granting, renewing and cancelling work permits for foreign nationals and stateless persons provides that the employer is obliged to inform the employment office of the existence of a vacancy which is intended to be filled in writing 15 calendar days prior to applying for a work permit. This requirement is related to the priority the Ukrainian citizens enjoy in the employment over foreign nationals or stateless persons with the same qualifications.

The documents that must be submitted when applying for a work permit include:

an application;

a copy of the foreign national's education or qualification certificates;

a notarized copy of the foreign national's passport with a translation into Ukrainian;

two passport photos;

medical certificate from a health care institution certifying that the foreign national does not suffer from chronic alcoholism, drug addiction or infectious diseases (the list of relevant infectious diseases is determined by the Ministry of Healthcare of Ukraine);

statement of the company confirming that applicable Ukrainian laws do not require Ukrainian citizenship as a prerequisite for the position to be occupied by the foreign national and that such position does not grant access to state secrets;

certificate of good conduct to prove that the foreign national or stateless person has no criminal record at the time of applying for a work permit; if the foreign national is outside Ukraine at the time of applying for a work permit, a certificate from the competent foreign authority proving that the foreign national has no

criminal record and there are no investigations against him/her must be submitted.

Foreign workers who belong to the category of intracompany transferees must additionally submit a resolution of the foreign company on the transfer of the foreign national to Ukraine and a copy of the agreement on the transfer concluded with him /her indicating the time period of work in Ukraine.

All documents issued abroad must be apostilled (or legalized) after their notarization and then translated into Ukrainian.

There is a set of criteria that must be met in order for the employment of a foreign national to be regarded as appropriate and justified and which guarantee him/her obtaining a work permit. The employment of a foreign national in Ukraine is considered to be justified and appropriate if:

- he / she applies for a position of the director, deputy director or another managing position, provided that he / she is the founder / shareholder of the respective company (organization);
- the foreign national applies for a position associated with the creation of copyright and / or copyright-like rights as his / her work duty;
- the foreign national applies for a position of the director or another position, which is included in the list of professions considered as experts in the area of computer systems or software development;
- the foreign national has obtained a diploma from a university listed in the top 100 of a renowned world ranking, including Times Higher Education, 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.

If the foreign national does not meet these criteria, the employment office shall make its decision on granting the work permit on a case by case basis.

The decision to grant, reject, extend or cancel the work permit shall be made by the employment office within seven working days. The work permit is granted for a period of up to one year. Ukrainian laws do not set a limit on the number of times the work permit may be renewed. The application for the renewal of the work permit must be submitted at least 20 calendar days prior to the work permit expiry date.

The fee for issuing the work permit is approximately EUR 220. It must be paid to the account of the employment office within ten working days after the decision on granting the work permit was made. The work permit must be issued by the employment office within three working days after the fee was paid.

There is no fee charged for the renewal of a work permit.

The employer has the right to appoint a foreign specialist to hold several managing positions (part-time). The employment agreement with a foreign employee must be entered into within 90 days after obtaining a work permit in Ukraine.

The reasons for cancelling a work permit include, inter alia, the failure to submit a copy of the employment agreement (employment contract) with a foreign

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national within three working days after it was entered into, the fact of a court decision that finds the foreign national guilty of a criminal offence becoming final, termination of the employment agreement (employment contract), and activities of the foreign national in an area other than that defined in the work permit.

It should be noted that the company that employs a foreign national without a valid work permit may be imposed a fine of twenty legal minimum wages (currently approx. EUR 2,200).