

## Applying for a work permit in Ukraine

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Ukrainian labour law establishes a direct peremptory rule allowing foreign nationals or stateless persons to be employed in Ukraine only subject to a work permit, which is also the basis for obtaining an appropriate type of Ukrainian visa and a temporary residence permit in Ukraine effective for the period of validity of a work permit.

### General provisions

The first thing to note is that it is not a foreign national but an employer (company) who has to apply for a work permit. A work permit is issued to a particular person for a particular staff position (workplace) and cannot be transferred to a third party.

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

### Who does not need a work permit?

A work permit in Ukraine is not required when it comes to:

- foreign nationals or stateless persons who have a permanent residence permit in Ukraine;
- employees of foreign representative offices in Ukraine;
- foreign nationals or stateless persons who are involved in the implementation of international technical assistance projects in Ukraine;
- other cases provided by the Ukrainian legislation.

### Validity term of a work permit

Validity term of a work permit:

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- as a rule, a work permit is issued for up to one year;
- for specific categories of foreigners and foreign seconded employees a work permit is issued for up to three years;
- for internal corporate assignees a work permit is issued for the period of effect of the foreign company's decision on transferring the foreigner to work in Ukraine.

Work permits may be issued for shorter periods to be indicated in the employer's application.

Work permits are issued on condition that a foreigner is paid a monthly salary of at least:

- 5 minimum wages (UAH 30,000, approx. USD 1,060 as of 2021) – for foreign employees of public associations, charitable organizations and educational establishments;
- 10 minimum wages (UAH 60,000, approx. USD 2,130 as of 2021) – for all other categories of employees.

The requirement on the minimum wages is not applicable for special categories of foreign employees (highly-paid foreign professionals, founders and/or shareholders and/or ultimate beneficiaries (of a legal entity established in Ukraine, graduates of universities listed as top hundred in the world university rankings, foreign art professionals, foreign IT professionals).

### Required documents

The following documents need to be submitted when applying for a work permit:

an application;

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

one colour photo;

a copy of a draft employment agreement (contract) with a foreigner certified by an employer.

For employment of certain categories of foreigners, an employer should additionally submit the following documents:

- a copy of a foreign national's diploma (for the graduates of the universities listed in the top 100 in the world rankings);
- notarized copies of the documents identifying the subject of the author's copyright and/or related rights and evidencing authorship (for foreign employees of creative professions);
- a copy of an agreement (contract) entered into by and between a Ukrainian and a foreign company that provides for the use of work of foreigners and stateless persons who are sent by a foreign employer to Ukraine to perform a certain amount of work (for seconded foreign employees);
- decision of a foreign company to outplace (transfer) an employee to work in Ukraine and a copy of the respective outplace (transfer) contract, as entered into with him or her, indicating the period of work in Ukraine (for internal corporate assignees);

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

### **Work permit fee**

A Ukraine work permit fee is:

- UAH 13,620 (approx. USD 460) – for permits issued for a period varying from one to three years or if they are extended for the same period;
- UAH 9,080 (approx. USD 320) – for permits issued for a period varying from six months to one year, inclusive, or if they are extended for the same period;
- UAH 4,540 (approx. USD 160) – for permits issued for a period of up to six months or if they are extended for the same period.

A fee must be paid to an account of a Ukrainian competent employment service within ten working days after a decision on granting a work permit in Ukraine was made.

### **Amendments to a work permit**

An employer must apply to a Ukrainian competent employment service for amendments to a work permit in Ukraine within 30 days after one of the following occurred:

- a change of an employer's legal entity name, reorganization or division of an employer's legal entity, change of the name and/or surname, and/or patronymic of a private entrepreneur who is an employer;
- a registration of a new passport of a foreigner, including in case of a foreigner's name and/or surname, and/or patronymic change;
- a change of a foreigner's job title, transfer to another position with the same employer within the period for which a work permit in Ukraine was issued.

### **Other provisions**

A decision to grant a work permit in Ukraine is made by a competent employment service of Ukraine within 7 working days, and within 3 working days – in case of extending a work permit. Ukrainian laws do not set a limit on the number of work permits in Ukraine. The application for renewal of a work permit must be submitted at least 20 calendar days before expiry date of a work permit in Ukraine.

An employer has the right to appoint a foreign specialist to hold several managing positions (part-time). An employer has to conclude an employment agreement (contract) with a foreigner no later than 90 calendar days before the date of a permit issuance and to provide an employment service with a copy of an employment agreement (contract) certified by an employer within 10 calendar days upon its signing.

### **Liability for employing foreigners without a work permit**

The legislation of Ukraine provides for significant fines for a Ukrainian employer if it employs or admits a foreigner to work without a work permit.

Thus, if an employer uses a foreigner's labor without a work permit, such employer

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(legal entity or private entrepreneur) shall be fined for UAH 120,000 (approximately USD 4,250). If an employer uses a foreigner's labor on conditions other than provided in a work permit, or if another employer, not specified in a work permit, uses a foreigner's labor, a fine of UAH 60,000 (approximately USD 2,125) shall be imposed.

The fines for officials of an enterprise (director of an enterprise) for admitting a foreigner to work without a work permit in Ukraine vary from UAH 8,500 to UAH 17,000 (approximately USD 600 - 1,200).

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