

LEGAL ALERT: **EMPLOYMENT MATTERS**

## LEGISLATIVE CHANGES: WORK PERMIT FOR FOREIGNERS AND STATELESS PERSONS

18 January 2023

At the end of last year, the Law of Ukraine No. 2623-IX dated 21 September 2022 "On Amendments to Certain Laws of Ukraine Concerning the Employment of Foreigners and Stateless Persons in Ukraine and the Provision of Mediation Services in Employment Abroad" (the "**Law**") entered into force. The amendments concern, in particular, the grounds, procedure for issuance, extension and cancellation of work permits for foreigners and stateless persons (the "**Permit**").

### Terms of employment

Prior to the entry into force of the Law, the employer was obliged to obtain a Permit for each position for which it intended to employ a foreigner or a stateless person.

Now, regardless of the number of positions held by the foreigner, it is enough for the employer to obtain only one Permit. In this case, the validity term of the employment agreement for apart-time position cannot exceed the validity term of the Permit for the full time position .

Accordingly, if an individual is employed by two employers, each of them must obtain a Permit for such a foreign employee.

The Law now allows stateless persons (some right existed for foreigners before) to combine a job in the position under the Permit with work in the position of a temporarily absent employee at the same company. It is important that such a job combination should not exceed 60 calendar days during a year.

The Law also provides for the right of an employer to obtain the Permit for foreign students who intend to work in Ukraine, provided that they start working no later than 30 calendar days before the end of their studies.

## Terms of remuneration

Before the Law came into force, foreigners and stateless persons had had to receive a salary not lower than a certain threshold as a condition for obtaining the Permit (except for certain professions).

The Law have abolished the said minimum salary requirement.

## Obtaining / extending the Permit

### Procedure for submission of documents

The Law extends the list of ways for submission of an application and documents for obtaining/extending the Permit.

From now on, the employer will be able to submit the application and documents:

- (a) by post with a list of enclosures;
- (b) via employer's electronic cabinet, Diia portal;
- (c) through an administrative service centre (CNAP).

The Law clarifies that the application for extension of the Permit has to be submitted not later than 20 and not earlier than 50 calendar days before the expiration of such Permit.

### Fee for obtaining / extending the Permit

The Law increased the fee for issuance and renewal of Permits. For example, for the issuance of a Permit with a validity period of up to 6 months, an employer will be required to pay in 2023 UAH 2,684 (around 70 EUR).

The Law also expands the list of grounds for issuance or extension of the Permit on a free of charge basis. For example, the Permit can be obtained on a free of charge basis for (i) foreign university students who intend to be employed in Ukraine, provided that they start working no later than 30 calendar days before the end of their studies, (ii) persons who participated in combatting the armed aggression of the Russian Federation against Ukraine, etc.

## Other novelties

In addition to the above, the Law provides for:

- (d) the possibility to obtain a duplicate of the Permit on a free of charge basis if it was lost or damaged by submitting an application in any form to the local employment center;
- (e) additional grounds for cancellation of the Permit (e.g., in case of non-payment of the unified social contribution by the employer for an employee within 2 (two) months from the date of entering into an employment agreement); and
- (f) mandatory coordination with the Security Service of Ukraine regarding the issuance and extension of the Permit for citizens of the Russian Federation and the Republic of Belarus.

Please follow our updates to promptly learn about the adoption and entry into force of this Law and other laws.

## SOURCE:

The Law of Ukraine No. 2623-IX dated 21 September 2022 "[On Amendments to Certain Laws of Ukraine Concerning the Employment of Foreigners and Stateless Persons in Ukraine and the Provision of Mediation Services in Employment Abroad](#)".

## HOW WE CAN HELP YOU

Our expertise

- ✎ obtaining, extending and cancelling work permits for foreigners and stateless persons;
- ✎ obtaining, extending and cancelling temporary or permanent residence permits in Ukraine;
- ✎ preparation of constituent documents, legal support of establishment, reorganization and termination of business, appointment or change of heads of legal entities;
- ✎ advising on appealing against decisions, actions or omissions in the field of state registration of rights;
- ✎ execution of powers of attorney in Ukraine and abroad for registration actions; and
- ✎ advising on compliance with Ukrainian law, in particular during the period of martial law.

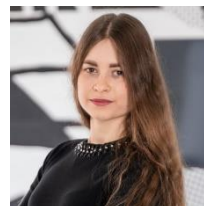
## OUR EXPERTS

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