



*Working
with you*

CONSULTING-INVEST

L A W F I R M

Founded 1993

1-st office: Obolonsky prospect 23-A, Kyiv, 04205, Ukraine, tel. (+ 380 44) 467-99-99, 467-8-467,
2-d office: office 901-904, Esplanadna street 4-6, Kyiv, Ukraine, tel. (+ 380 44) 287-41-55, 287-39-51,
www.consulting-invest.com, e-mail: office@consulting-invest.com, esplanadna@consulting-invest.com,

Employment of foreigners in Ukraine

Employment of foreigners and persons without citizenship in Ukraine is carried out according to the Labour Code, Laws of Ukraine “About employment of population” and “About legal status of foreigners”, and also Regulation of Cabinet of Ministers of Ukraine № 2028 from a November, 1 in 1999, by which Order of registration of permission on employment is ratified.

1. Who can give an employment to foreigner in Ukraine

To give an employment to foreigner can enterprises, establishments, organizations which:

- are found on territory of Ukraine, regardless of that are they Ukrainian or foreign;
- are registered in the Center of employment as payers of insurance payments in Fund of obligatory social insurance in case of unemployment;
- have received permission on employment of foreigner (such permission is needed always, except for the cases set by international agreements, and also if a foreigner constantly lives on territory of Ukraine or is hired by investor in scopes and for position(according to speciality), defined by an agreement about distributing of products).

Getting this permission is very important, because for a work without permission a foreigner will be expelled from Ukraine, and a large fine (50 untaxable minimums of profits of citizens - for today it is 850 hryvnias for every such worker) will be extracted from an employer.

2. Procedure: documents and terms

For the receipt of permission an employer addresses the State center of employment or its local bodies and submits following documents (p.5 of the Order):

- 1) Statement;
- 2) explanation of necessity of the use of labour of foreigners and possibility of creation for them necessary terms of stay and activity;
- 3) copy of contract between the Ukrainian and foreign subject of entrepreneurial activity (if any);
- 4) the witnessed copies of statute and certificate about state registration of subject of entrepreneurial activity;
- 5) list of foreigners (with pointing of the last name, name, year of birth, number of passport, specialization, sex);

- 6) copy of draft contract of foreigner with an employer;
- 7) document by which an employer authorises the representative to operate in Center of employment in his name (power of attorney);
- 8) documents about education or qualification of foreigner;
- 9) reference from taxing office about payment by the employer of taxes and collections
- 10) receipt about payment of a sum (10 untaxable minimums of profits of citizens - today it is 170 UAH) for consideration of statement;

If everything is in order, in 30 days the permission on employment of foreigner, which is valid up to 1 year, and can be continued, is given out. The refusal in delivery of permission can be appealed to the Center of employment or to the court.

But permission can be nullified, when:

- a contract with an employer before the appointed time is torn on initiative of employer, on initiative of foreigner or through his fault;
- the fact of report of untruthful information is set in documents on the receipt of permission;
- a foreigner is acknowledged persona non grata

3. Duties of the employer

Except for the receipt of permission and returning it to the Center of employment after its term of action ends, receiving party, that is an employer carries other duties:

- 1) to process documents on a right for the stay of foreigner in Ukraine in good time;
- 2) to explain to the foreigner his rights and duties;
- 3) to register foreign workers;
- 4) to register their passport documents in the organs of internal affairs;
- 5) for 3 days after beginning/ending of work in written form to inform the Center of employment about it;
- 6) in 3 days to report Center of employment, Committee of State Border and organs of internal affairs, if a foreigner in good time did not start work without good reasons (then a foreigner is expelled from Ukraine) or about ahead of shedule dissolution of contract;
- 7) to report tax service about profits and taxes on ending of quarter in which a foreigner worked.

Generally speaking, during work in Ukraine legal mode for foreigners, the volume of their rights and freedoms is actually the same, as for the Ukrainian citizens, with only exceptions for rights conditioned by belonging to citizenship of Ukraine.

© **CONSULTING-INVEST 2006**

For further information concerning such materials, please, contact Oleg Rachuk, Kateryna Krakhmalova, Law firm "Consulting-Invest", Kiev, tel.: (380-44) 287-39-51; 287-41-55; e-mail: esplanadna@consulting-invest.com

Such information letters are issued periodically for clients of law firm "Consulting-Invest" and other interested persons in order to inform them about development of current legislation, which may affect them or awake their interest.

Given above commentaries are not legal advices or position and should not be viewed as the ones, which substitute for individual advice in specific case.