Amendments to Ukrainian labour law – new procedure on issue of work permits

Under Ukrainian labour law, foreigners and stateless persons have the right to work in Ukraine. However, Ukrainian employers may employ a foreigner only if they have a work permit in Ukraine.

On May 15, 2009, new regulations on issue of work permits in Ukraine became effective. In view of the global economic crisis, the new regulations have been adopted with the purpose of protecting the Ukrainian labour market and raising new funds for the state budget.

The new regulations effective as of May 15, 2009 provide for stricter rules respecting issue, extension, and cancelation of work permits for foreigners and stateless persons in Ukraine. Firstly, the list of documents to be filed with the employment centre has been considerably extended. The employer must now file a document evidencing absence of convictions and criminal investigations against a foreign employee. If the foreigner already lives in Ukraine the respective certificate must be obtained from the Ukrainian Ministry of Internal Affairs. Where a foreigner is in their country at the moment of permit application, a certificate must be obtained from the competent bodies of the country of origin.

Secondly, documents issued abroad in a foreign language must be duly legalized, i.e. notarized in the country of issuance and apostilled or legalized by a Ukrainian Consulate abroad, whereas earlier it sufficed to file copies of the documents with a Ukrainian translation certified by a translation agency. On the one hand, the new approach requires additional expenses for notarization, apostille and translation; on the other hand, it may take more time to prepare the documents for permit application.

Further, the state fee for issue of work permits has been increased to 4 minimum salaries set by law (now - UAH 2.500 (ca. EUR 250). The penalty for employers who breach the new regulations has also been increased up to 20 minimum salaries. Thus, in case of assignment of foreigners without duly issued work permits in Ukraine the employer will be liable to pay a penalty of UAH 12.500 (ca. EUR 1.250) for each employee.

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