



The procedure of issuance of temporary residence permits

According to the paragraph 1 of article 3 Law of Ukraine “On legal status of foreigners and stateless persons” dated September, 22th, 2011 № 3773-VI foreigners and stateless persons, who are staying in Ukraine on legal grounds have equal rights and freedoms and bear the same responsibilities as the citizens of Ukraine, unless other is defined by the Constitution of Ukraine, Laws of Ukraine or International Treaties of Ukraine.

The legal grounds for staying in Ukraine (according to the paragraph 18 of article 1 of Law of Ukraine «On legal status of foreigners and stateless persons») can be confirmed with the **temporary residence permit**.

According to the paragraph 4 of article 4 of Law of Ukraine «On legal status of foreigners and stateless persons» foreigners and stateless persons who in obedience to law arrived to Ukraine for employment and received a temporary residence permit shall be deemed as lawfully residing on the territory of Ukraine for the period of employment in Ukraine.

Foreigners and stateless persons or the authorized representatives of the receiving party (employees who were appointed with administrative document of the receiving party as a responsible for issuing all documents which confirm the foreigner’s or stateless person’s right to stay in Ukraine) who submitted a written application to the competent authorities considered as receivers of administrative service of issuing the temporary residence permit.

According to the paragraph 4 of article 5 of Law of Ukraine «On legal status of foreigners and stateless persons» the grounds for issuing a permit for temporary residence in the case when foreigners arrived to Ukraine for employment are an application of a foreigner or a stateless person, a valid medical insurance, a permit for employment of foreigners and stateless persons, and the employer's obligation to inform the central executive body implementing the state policy on migration and the state employment service on early termination or termination of employment agreement (contract) with a foreigner or a stateless person

According to the paragraph 1.1. and paragraph 1.5 of The procedure for registration and issuance of temporary residence permits, approved by the decree of the Ministry of Internal Affairs of Ukraine № 602 dated August 23, 2011 (hereinafter – The Procedure № 602), for getting a temporary residence permit the person who arrived to Ukraine for employment (including, to work in representative offices of foreign businesses in Ukraine) must submit to the territorial authority of the State Migration Service of Ukraine at the place of residence the following documents:

1. An application of foreigner or a stateless person to issue a temporary residence permit submitted in the approved form.
2. A receiving party request on issuing a temporary residence permit for a foreigner (stateless person) in the approved form.

If a foreigners or a stateless persons arrived to Ukraine to work in representative office of foreign business in Ukraine such representative office must apply a request on issuing a temporary residence permit for a foreigner or a stateless person, the original documents on registration of the business in



Ukraine (for review) and their copies, the copy of the invitation (the basis for the visa) certified by the Ministry of Economic Development and Trade of Ukraine.

If the employer is a corporate entity registered in Ukraine, receivers of administrative service mentioned above must submit an employer's request on issuing a temporary residence permit to a foreigner (stateless person), the copy of the permit for employment of foreigners and stateless persons issued by the State employment service of Ukraine and original of the document for review.

3. 4 photographs of the foreigner or stateless person sized 3.5 x 4.5 cm (in matte paper).
4. The foreigner's passport (for review), with a Type-D visa which includes the special inscription on the visa label (i.e. with inscription «*Employment*» or «*Work in representative offices of foreign businesses in Ukraine*») and copies of the foreigner's passport including pages with personal data and visa.
5. A translation the foreigner's passport in Ukrainian (pages which contain personal data). Such translation must be certified by a notary.
6. The documents which confirm foreigner's (stateless person's) ownership of the housing where such foreigner (stateless person) has a right to register his (her) place of residence and an application of a foreigner (stateless person) to register his (her) place of residence that has been considered by the territorial authority of the State Migration Service of Ukraine. *The originals of the documents mentioned above should be returned after their submission and certified copies should be attached to the materials of the case.*
7. The copy of the administrative document appointing the employee as a responsible person for issuing all documents which confirm the foreigner's or stateless person's right to stay in Ukraine. Such administrative document must be certified by the signature of authorized representative of the receiving party and sealed.
8. The copy of the passport of the receiving party's authorized representative certified by the owner's signature.
9. The documents which confirm the payment of state duty for the issuance of temporary residence permit.

In accordance with subparagraph «g» of paragraph 6 of article 3 of the Decree of the Cabinet of Ministers of Ukraine «On state duty» dated January, 21st, 1993 № 7-93 for issuance of temporary residence permit, its prolongation or reissuance of such permit instead of the document that has been lost a state duty must be paid in the amount of 34 UAH (which is equivalent to the double amount of the minimum non-taxable income).

Additionally according to the Article 8 of the Standard of administrative service of issuing the permanent or temporary residence permit, approved by the decree of the Ministry of Internal Affairs of Ukraine № 84, dated February 2nd, 2012 the administrative service mentioned above is provided for pay.

The amount of such payment is specified in The Procedure of providing administrative services by the of territorial authority of the Ministry of Internal Affairs of Ukraine and the State Migration Service of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated October, 26th, 2011 № 1098 and is equivalent to 52.49 UAH.



Payment for the provided services should be made by transferring the sum of money by banks, post offices or self-service software complex.

The payment should be confirmed with payment document (order for payment, receipt) and should contain special mark made by bank (post office) or the code of the operation.

The staff of the State Migration Service of Ukraine is forbidden to receive payments for the issuance of the temporary residence permit.

While accepting documents the employees of the State Migration Service of Ukraine must make a list of all submitted documents. The copy of such list must be issued to an authorized person who submits the documents.

An employee of the State Migration Service of Ukraine must check:

- If the foreigner (stateless person) have a right to receive the temporary residence permit;
- If the person have submitted all necessary documents and their validity;
- If the documents have been submitted in time;
- If there are registration notes (notes of the state border bodies «entry» / «exit» or the document which confirms the legal grounds of staying in Ukraine) or extension of stay;
- If the data in passport document of foreigner or stateless person match the information in the submitted applications;
- If the foreigner (stateless person) has legal basis for staying in Ukraine, if there are any information according to which the further staying of the foreigner or stateless person in Ukraine is forbidden.

The decision based on the application (to issue or to refuse to issue the temporary residence permit) must be made in 15 days starting from the day when all documents specified in The Procedure № 602 have been submitted. Any decision must be approved by the Head of the State Migration Service of Ukraine (or his/her deputy) or the Head of territorial authority of the State Migration Service of Ukraine (or his/her deputy).

After the decision has been made a special note must be made in the application. Such note contains information about the duration of the temporary residence permit or cause for refuse to issue the temporary residence permit.

The temporary residence permit is issued to the applicant against receipt after showing his or her passport. On the last free page of the foreigner's or stateless person's passport an employee of the State Migration Service of Ukraine makes a note about issuance of the temporary residence permit. The permit as well could be issued to the authorized representative of the receiving party.

If a foreigners or a stateless persons arrived to Ukraine for employment according to the par. 9 of The Procedure № 602 in his or her passport a note about permit for employment must be made. The validity period of the temporary residence permit is specified by the duration of the permit for employment of foreigners and stateless persons.

The grounds for refusal in issuance the issuance of the temporary residence permit are specified in par. 12 of The Procedure № 602. According to them the State Migration Service of Ukraine refuse to issue the temporary residence permit if the documents submitted by the foreigner or the stateless person contain false information or such documents are invalid (fake), if during the previous staying in Ukraine such person committed an offense, if there is information that the foreigner of the stateless person has failed to fulfill his or her financial obligation to Ukraine.



The applicant in accordance with the paragraph 15 of the Procedure № 602 has a right to appeal the decision to refuse to issue the temporary residence permit during 1 (one) month starting from the date when such person has received the copy of the decision mentioned above. The copy of the decision must be issued to the applicant or sent to him (her) via mail no later than 5 (five) days starting from the date when such decision has been made. The claim must be submitted to the higher authority or to the administrative court.

The foreigner or the stateless person after receiving the temporary residence permit must register his/her place of residence. All changes of the place of residence must be registered as well in the manner specified in Article 6 of Law of Ukraine “On Freedom of Movement and Free Choice of the Place of Residence in Ukraine”.

According to the 6 of Law of Ukraine “On Freedom of Movement and Free Choice of the Place of Residence in Ukraine” a foreigner or a stateless person who is staying in Ukraine on legal grounds must register her/his place of residence during the 10 days starting from the day of arrival to a new place of residence.

In order to register the place of residence the foreigner or stateless person submit application in written form, the temporary residence permit, the documents which confirm the payment of state duty (or documents which confirm person’s exemption from paying the state duty), the two copies of the coupon that confirms that the person has been removed from registration in the previous place.

The form of the application is approved by the Resolution of the Cabinet of Ministers of Ukraine dated July 28th, 2004 “On approval of samples of the documents for the registration of the place of residence in Ukraine”. Such application must contain information about the legal grounds for the registration the foreigner’s (stateless person’s) place of residence at the specified address (i.e. a warrant, certificate of ownership, lease agreement etc.). In case if the foreigner or the stateless person cannot provide the documents mentioned above such application must contain the agreement of the owner (co owners) of the housing or their authorized representatives, lessee and his (her) family members for registration of the foreigner’s (stateless person’s) place of residence.

In accordance with subparagraph «m» of paragraph 6 of article 2 of the Decree of the Cabinet of Ministers of Ukraine «On state duty» for registration of the place of residence a state duty must be paid in the amount of 0.85 UAH (which is equivalent to 0,05 of the minimum non-taxable income).