

Amendments to the Procedure for issuance, extension and cancellation of work permits were introduced

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On 3 February 2017 the Resolution of the Cabinet of the Ministers of Ukraine dated 18 January 2017 No. 28 "On Amendments to the Procedure for issuance, extension and cancellation of work permits for foreign nationals and stateless persons" (hereinafter - "The Resolution") came into force.

From now on, employers can obtain work permits for a foreigner or a stateless person (hereinafter - "the Foreigners") for several different positions simultaneously (on the terms of secondary employment).

The following amendments to obtaining work permits, their extension and cancellation process were also introduced by the Resolution:

- ▶ The Resolution established the 90-days deadline upon work permit issuance for conclusion of the employment agreement (contract) with the Foreigners; additionally, the deadline for filing the copy of such an agreement (contract) upon its conclusion with the State employment service changed from 7 working days to 10 calendar days
- ▶ From now on, the employer cannot apply for a work permit extension earlier than 40 calendar days prior to the expiration of the work permit; at the same time, the deadline for filing the application on extension remains at 20 calendar days prior to the expiration of the current work permit

It is worth mentioning that in situations when the term of validity of the temporary residence permit (hereinafter - "TRP") is less than that of the work permit, such new provision may cause the impossibility of extending the term of validity of the TRP as standard procedure. In such case, first, the TRP should be extended until the current work permit expiration date, and after that the work permit extension application should be filed, which leads to the necessity of the TRP to be extended twice.

- ▶ From now on, the local employment authority shall issue the work permits not later than 3 working days after the funds are credited to the account of the unemployment benefit Fund of Ukraine upon request from the employer
- ▶ The term of initial review of the supporting documents for obtaining or extension of the term of validity of the work permit, in accordance with the requirements of the Procedure, was increased from one to three working days. In case of non-compliance with the legal requirements, the employment center informs the employer in writing stating the reasons for non-consideration of the application and returns the provided supplementary documents to the employer without any actions
- ▶ In case of refusal to issue a work permit, its extension or cancellation, the employer may

appeal such decision in the State employment service within 10 calendar days upon the receipt of the decision or, otherwise, in court. The Ministry of Social Policy of Ukraine should determine the order of appeal in the State employment service separately

- ▶ The grounds for refusing to issue or extend a work permit based on criminal proceedings against the Foreigner have been amended - from now on it requires the Foreigner to have been prosecuted before there are legal grounds for refusing to issue a work permit

Additionally, other minor technical amendments to the list of required documents, grounds for refusal of a work permit issuance and its cancellation were introduced by the Resolution.

If you have any questions about this newsletter, please give us a call or send an e-mail and we will gladly consider your questions at the earliest occasion.

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