

## **Pilot project: Special procedures for highly skilled professionals from Ukraine**

### **I. Common provisions**

#### **Aim of the Project:**

The aim of the Project is to reduce the cost<sup>1</sup> of receiving and processing applications for Employee Cards and Blue Cards submitted by professionals from Ukraine who take up highly skilled jobs in the Czech Republic's manufacturing industry, services or public sector.

#### **Why we need the Project:**

Skilled workforce is a crucial competitive advantage. Czech employers are increasingly looking for highly skilled professionals from Ukraine to fill the vacancies for which no suitable candidates can be found among Czech jobseekers. Ukrainian professionals are recognized for their relatively high skills and expertise; the present situation in Ukraine is also a contributing factor.

Currently, Ukrainian professionals applying for Employee Cards or Blue Cards sometimes have to wait too long for the necessary consular appointment. This is inevitable because of the limited interviewing capacity of Czech embassies and consulates. However, in some of these cases it would be in the Czech Republic's interest to process the application as quickly as possible. At the same time, a streamlined procedure would take some of the administrative burden away from consulates and embassies.

The Project will in no way distort the Czech job market. The vacancies will be advertised on a standard basis in the Central Register of vacancies available to holders of Employee Cards and Blue Cards. Every vacancy will have to pass the resident labour market test.

#### **Basis for the Project**

The Project has been approved by the Government of the Czech Republic. The Coordinating Body for the Management of State Border Protection and Migration<sup>2</sup> is authorized by the Government to make any changes or amendments that may become necessary in the course of the Project. The Project may be suspended, terminated or changed for serious reasons at the request of the Lead Project Manager or any of the Project Managers.

The Project receives the necessary funding and operational support in accordance with the applicable laws and regulations. Applicants do not have a legal entitlement to be included in the Project.

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<sup>1</sup> The Project will not shorten the waiting time for Employee Cards and Blue Cards. Once accepted, the applications will be processed within the statutory time limit.

<sup>2</sup> An interministerial body composed of deputy ministers, in charge of issues related to immigration and border protection.

The Project is managed in cooperation with an organization of economic and social partners who must be informed about any change or suspension because such development might have a significant impact on manufacturing and operational processes of enterprises.

### **Costs of the Project**

The Project has no impact on the public budgets.

### **Benefits of the Project:**

Quick and efficient fast-track procedure for applicants for Employee Cards and Blue Cards. Applicants are not required to book an appointment via the standard consular appointment system. The administrative process will be kept as simple and efficient as possible.

### **Lead project manager:**

Ministry of Foreign Affairs of the Czech Republic

### **Project managers:**

Ministry of the Interior, Ministry of Labour and Social Affairs, Ministry of Industry and Trade

### **Anticipated number of vacancies to be filled annually:**

According to preliminary estimates there will be no more than several dozen vacancies to be filled every month once the Project becomes fully operational. The annual quota will not exceed 500 applicants.

**Highly skilled professional:** An individual who has specific knowledge and skills of crucial importance and who possesses the high qualifications and advanced level of the expertise that is crucial or important to a specific operation or technology or to the management of an enterprise where he/she is to work, and who presents evidence of such qualifications. The professional must be a university graduate or, in the case of some specific professions/fields, a secondary school graduate who has passed a standard secondary school-leaving examination.

### **Employers – criteria for inclusion:**

- A letter of recommendation from a Czech business association (Czech Chamber of Commerce, Confederation of Industry of the Czech Republic, Confederation of Employee and Business Unions of

the Czech Republic, a central government authority or the CzechInvest (the letter of recommendation is valid for one year from the date of issue);

- A document showing the registration number of the vacancy in the Labour Office register;
- The employer has operated in the Czech Republic for at least two years and is a Czech tax resident in terms of Act No. 586/92 concerning income taxes;
- The employer has no outstanding liabilities towards the Czech Republic (see Section 46 of Act No. 455/1991 concerning trades), is not in arrears with any corporate tax payments (the required evidence is a certificate from the competent Tax Office not older than three months), is not in arrears with social security payments and contributions payable under the national employment policy (the required evidence is a certificate from the Czech Social Security Administration not older than three months), and is not in arrears with general health insurance payments (the required evidence is the employer's affidavit);
- The employer is registered as a payer of health and social insurance contributions in the Czech Republic;
- In the two years prior to the date of submitting its application for inclusion in the Project, the employer has not been ordered to pay a fine amounting to more than CZK 100,000 for facilitating illegal work and/or has not been repeatedly ordered to pay a fine amounting to more than CZK 100,000 for breaches of its obligation to deduct general health insurance contributions from the wages of its employees or for breaches of its statutory obligations falling within the supervisory remit of the Czech Republic Labour Office, the State Labour Inspection Office or of regional labour inspection offices (the required evidence is to be obtained from the Ministry of Industry and Trade and the Ministry of Labour and Social Affairs). In case the employer has been fined for facilitating illegal work, it is not relevant whether or not such fine has been imposed repeatedly;
- The employer presents an affidavit stating that (a) the minimum level of the wage paid to the highly skilled professional will be at least equal to the minimum wage level set for Blue Card holders (no matter whether the professional holds an Employee Card or a Blue Card), and (b) the contract concluded with the highly skilled professional will be for a full-time position and will be valid for at least one year;

The employer presents an affidavit stating that it has employed at least five people during the two years prior to the date of submitting the application.

**Highly skilled professionals – criteria for inclusion:**

- A document showing the registration number of the vacancy in the register of vacancies available to Employee Card and Blue Card holders;
- The employer's affidavit stating that the professional has the qualifications necessary for the job; the affidavit must be accompanied by evidence of such qualifications or professional experience;
- The employer's affidavit stating that the professional is of crucial importance to the employer's business in the Czech Republic.

The employer must present an application on the prescribed application form (see Annex). The employer must ensure that the professionals apply for Employee Cards or Blue Cards and present all required supporting documents. Repeated non-compliance with this rule will result in the employer's exclusion from the Project.

### **Procedure**

Before hiring a highly skilled professional from Ukraine to fill a vacancy that is registered with the Czech Labour Office as a vacancy available to holders of Employee Cards and Blue Cards, the employer must apply for inclusion in the Project. If the application is approved, Ministry of Industry and Trade sends the employer a letter confirming the inclusion and informs the Ministry of Foreign Affairs, Ministry of the Interior and the Ministry of Labour and Social Affairs (via their data mailboxes) that the employer has been included.

The professional must visit the competent Czech embassy or consulate on a fixed date to present a completed application, his/her travel document and photograph, and all required supporting documents.

This procedure must be followed whenever the employer wants to hire additional professionals (see Annex).

The employer's inclusion is valid for one year and can be renewed if the employer continues to meet all the criteria. However, this does not rule out the possibility that the Project will be suspended or terminated before the employer's inclusion period expires. The Ministry of Industry and Trade regularly communicates with the involved government authorities as well as with organizations representing the business community on matters regarding the implementation of the Project.

At the request of a project manager, based on serious grounds, the Ministry of Industry and Trade may exclude an employer from the Project for the period of one year. "Serious grounds" include namely cases when the employer, once included, violates the rules for the employment of professionals, improperly takes advantage of its inclusion in the Project or violates the rules for the inclusion. Once the employer rectifies the situation and ensures compliance with the rules, it can again be included.

The employer will be excluded if it violates any other rules applicable to the Project, if it ceases to meet the set criteria, or if it uses the Project for purposes other than those stated above.