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Danish National ID Centre

Birkerød Kongevej 2
DK-3460 Birkerød
Denmark

Phone +45 61 98 39 00
Email nidc@nidc.dk
Website www.nidc.dk

Poland: Residence permits

In recent years, Poland has been in need of foreign influx for unskilled work, as the Polish population tend to reject lower paid jobs or migrate elsewhere in Europe in search for higher salaries.¹

According to Eurostat, more than 680,000 foreigners were granted residency in Poland in 2017. Approximately nine out of 10 were work visas. In 2017, Poland issued more visas to foreign workers than any other country in the EU. Approximately 86 % of these visas were issued to citizens of Ukraine. Furthermore, Poland issued work visas to among others citizens from Belarus (6 %) and Moldova (1 %).²

Work permits in Poland

In order for non-EU/EEA nationals to work in Poland legally, they need to fulfill the following requirements:

- hold a document permitting them to enter the Polish labour market, e.g. a work permit, a seasonal work permit, a declaration on entrusting work to a foreigner or a temporary residence and work permit (or be exempted from the said requirement pursuant to specific regulations), and
- hold a residence document offering also the right to work (e.g. a relevant visa or residence permit), and
- work in line with the terms and conditions included in the permit or declaration solely for the employer indicated in the document, and
- execute a relevant work contract with the employer.

The regulations on employing foreigners in Poland are stipulated in the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws of 2018, item 1265 as amended) and implementing regulations.³

¹ Politico, June 2019.

² Eurostat, October 2018.

³ Vortal of Public Employment Services, 2019.

A foreigner coming to Poland in order to perform work should ensure their stay is legal. The employer of a foreigner shall obtain documents entitling the foreigner to perform work in Poland and conditioning issuing a visa to them or a temporary residence permit for that purpose. The employer also has the obligation to store copies of documents confirming legal stay of the foreigner in Poland.⁴

Visa for the purpose of work

In order to obtain a visa for the purpose of work a foreigner should supply the visa application with a work permit or the employer's written statement on the intention of delegating work to the foreigner, if a work permit is not required. These documents are obtained by the entity wishing to employ foreigners.⁵



Image 1: Specimen of a Polish visa sticker. If the holder is entitled to work in Poland for a longer period of time, the sticker will be of the type “D”, have multiple entries and be valid for typically up to a year. (NIDC reference material)

⁴ Office for Foreigners A, year of issue n/a.

⁵ Office for Foreigners A, year of issue n/a.

Temporary residence and work permit

Temporary residence permit shall be granted for the period necessary for implementation of the purpose of the foreigner's stay within the territory of Poland, exceeding three months up to three years, with the possibility to apply for the subsequent permits.⁶

Application

Foreigners shall make an application in person, no later than on the last day of legal stay within the territory of the Republic of Poland to the local voivode office competent for the place of residence of the foreigner. When making the application the foreigner is obliged to provide fingerprints. The foreigner shall submit a filled out form, four photos and a copy of a valid travel document (and bring the original for inspection). In some cases the starost (administrative office at county level) also need to make a statement that Poland need foreign labor in that particular job function.⁷

Document issued after obtaining the permit

The foreigner who has obtained the temporary residence permit within the territory of Poland is issued a residence card. The document is issued ex-officio by the voivode who has granted this permit to the foreigner.⁸

In its validity period the residence card confirms the identity of the foreigner during that persons stay within the territory of the Republic of Poland and, together with the travel document, provides the right for multiple border crossing without the need to obtain a visa.⁹

⁶ Office for Foreigners C, year of issue n/a.

⁷ Office for Foreigners C, year of issue n/a.

⁸ Office for Foreigners C, year of issue n/a.

⁹ Office for Foreigners C, year of issue n/a.

Simplified application procedure for citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine

Citizens of six states – Ukraine, Russia, Belarus, Georgia, Armenia, and Moldova constitute an important group of exceptions and benefit from an easier access to the Polish labour market. Throughout the period of six months within subsequent 12 months they may work without the need of obtaining a work permit, provided that they have a written statement of an employer registered at the competent district labour office and a written contract. When the employer wants to hire a foreigner for a longer period, they need to have a work permit or a temporary stay and work permit or a temporary stay permit for the purpose of work in professions requiring high qualifications.¹⁰

Ukrainian citizens who have a biometric passport, issued in accordance with the standards of ICAO, however, are exempt from the visa requirement while travelling to EU/Schengen countries since 11 June 2017.¹¹

Groups exempted from requirement of a work permit

A work permit in Poland is not required when the foreigner meets one of the following requirements:

- has the status of a family member of a EU/EEA/Switzerland citizen,
- is a recipient of international protection in Poland (has the status of a refugee, or is a recipient of subsidiary protection),
- has a permanent residence permit in the Republic of Poland,
- has a residence permit for EU long-term resident in the Republic of Poland,
- has a residence permit for humanitarian reasons,
- has a permit for a tolerated stay in the Republic of Poland,
- is a spouse of a Polish citizen with a temporary residence permit on the territory of the Republic of Poland given as a result of marriage,
- has a temporary residence permit in order to join the family,
- permit for residence of in order to receive higher education,
- has a valid Pole Card (Karta Polaka),
- is a graduate from a Polish upper-secondary school, full-time studies or full-time doctoral courses at Polish universities/colleges.¹²

Karta Polaka

A Karta Polaka is a document issued by the Polish government that grants certain rights to people with Polish ancestry. In order to receive a Karta Polaka one has to prove that he/she has at least one parent or grandparent (or two great grandparents) with Polish descent. The holders of a Karta Polaka was previously citizens of Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kirgizstan, Lithuania, Latvia, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine or Uzbekistan. Since 14 July 2019, however, it is possible for citizens from all over the world with Polish ancestry to apply for the card. The holder of a Karta Polaka has legal stay in Poland

¹⁰ Vortal of Public Employment Services A, 2019.

¹¹ Ministry of Foreign Affairs of Denmark, 2017.

¹² Office for Foreigners A, year of issue n/a.

and is exempted from requiring a work permit among several other benefits such as free education and healthcare as well as a faster path to naturalisation.¹³

Karta Polaka is valid for 10 years and may be extended upon its holder's written request. To apply for a Karta Polaka, the applicant fills out a form and sends it together with a photo and a copy of the person's passport to the nearest Polish consulate.¹⁴

Seasonal work

From 1 January 2018, a new law enabled the employment of foreigners in Poland for seasonal work – a seasonal work permit. Seasonal work is work performed for a period no longer than nine months in a calendar year in the sectors: agriculture, horticulture and tourism.¹⁵

For the nationals of Armenia, Belarus, Georgia, Moldova, Russia and the Ukraine the employer can submit the so-called multi-seasonal application. The starost (administrative office at county level) enters the application for a seasonal work permit in the register for periods not exceeding nine months in a calendar year (for no more than three consecutive calendar years), provided the said employer entrusted work to a foreigner based on a seasonal work permit at least once during five years preceding the application submission day. For the nationals of six above states, it is also possible to entrust work other than seasonal for up to 30 days during the validity term of the seasonal work permit held (except for temporary workers) without the need to apply for a separate work permit. To benefit from that possibility, the employer is obliged to pay at least the remuneration on the existing level to the foreigner.¹⁶

Residence permit in case of loss of job

In case a foreigner loses his/her job, the person need to contact the regional voivodeship office within 15 working days. Then the person will be allowed to stay for 30 more days in Poland.¹⁷ Not informing the voivodeship office about the unemployment can cause the authorities to withdraw the residence permit and oblige him/her to leave the territory of Poland in a stated period of time.¹⁸

The obligation to leave Poland upon refusal, discontinuation or revocation of the permit

The foreigner is obliged to leave the territory of the Republic of Poland within 30 days following the day, when the decision on refusal to grant the temporary residence permit, the decision on discontinuing the aforementioned case or the decision on revocation of the permit has become final.¹⁹

¹³ European Commission, 2019; Careers in Poland, 2016.

¹⁴ Careers in Poland, 2016.

¹⁵ Office for Foreigners A, year of issue n/a.

¹⁶ Vortal of Public Employment Services B, 2019.

¹⁷ Careers in Poland, 2018.

¹⁸ Careers in Poland, 2018.

¹⁹ Office for Foreigners C.

Illegal work

A foreigner performing work not in line with the legal provisions is exposed to a pecuniary penalty in the amount not lower than PLN 1,000 and issuing a decision obliging them to return.²⁰ The entity delegating illegal work to a foreigner may be held responsible for an offence or crime.²¹

Amendment of the Act on Foreigners

From 1 December 2020, foreigners who remain in Poland based on, among others, the so-called humanitarian visas or with “Poland Business Harbour” program as well as medical officers, dental practitioners, nurses, midwives and paramedics will be permitted to work without work permit.²²

²⁰ Office for Foreigners A.

²¹ Office for Foreigners A.

²² Office for Foreigners B, year of issue n/a.

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