

Mobility: Immigration alert

January 2022



Poland

New law facilitating the employment of foreigners to go into effect in late January 2022

Executive summary

The Polish Parliament recently passed a new law designed to facilitate the employment of non-Polish nationals and reduce government requirements and processing times for certain applications. The new law goes into effect on 29 January 2022.

Key issues

The new law amends the Foreigners' Act by:

- ▶ Creating "priority admission paths" that expedite the application process for specific applicants and citizens of specific countries (which have yet to be announced)
- ▶ Accelerating the issuance of residence and work permits to applicants who are sponsored to work in entities of particular strategic importance to the Polish economy (which have yet to be announced)
- ▶ Ensuring that all applications for temporary residence permits are processed by the Government in 60 days or less, and all appeals of Government decisions (e.g., denials of temporary residence permit applications) are processed within 90 days from the date on which the application was received for processing
- ▶ Ensuring that all applications for permanent residence permits and EU long term residence permits are processed by the Government in six months or less
- ▶ Creating a simplified procedure for processing two types of residence permit applications (i.e., unified residence permits and Blue Cards) that were filed before 1 January 2021 and are not processed by the time the new law goes into effect.
- ▶ Eliminating some of the requirements for obtaining temporary residence permits, including:

- ▶ The requirement to prove that the applicant has stable and regular income that is sufficient to cover their expenses and those of any dependent family members while in Poland. Applicants are now simply required to prove that they receive a salary that equals or exceeds the minimum wage in Poland
- ▶ The requirement to provide documents proving that the applicant resides in Poland (e.g., lease agreement, landlord declaration) or has health insurance in Poland (applicants must prove instead that they entered into an employment agreement with a Polish company or will otherwise have health insurance while in Poland)
- ▶ The need to obtain new residence and work permits in some instances where foreigners change employers, roles or job titles while in Poland, and facilitating the process of obtaining new residence and work permits following changes in employers or roles (where required)

The new law amends the Act on Employment Promotion and Labor Market Institutions by:

- ▶ Accelerating the issuance of work permits to applicants who are sponsored to work in entities of particular strategic importance to the Polish economy (which have yet to be announced)
- ▶ Enabling Polish companies to use Declarations on Entrusting Work to a Foreigner (i.e., a simplified procedure for obtaining work authorization) for nationals of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine who work in Poland for up to 24 months (up from 6 months in a 12-month period, previously)

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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