

RESIDENCE AND WORK IN POLAND

GUIDE FOR UKRAINE CITIZENS

UNTIL ENTRY INTO
FORCE
“SPECIAL ACT”

Due to the situation in Ukraine, caused by the armed attack by the Russian Federation, many Ukrainian citizens decide to cross the state border of the Republic of Poland in order to find refuge from the ongoing war.

After crossing the border, Ukrainian refugees find themselves in a difficult situation due to the lack of knowledge of the language and the law in force in Poland. Often this situation is aggravated by the very fast pace of departure from Ukraine. Which results in confusion due to being in the territory of a foreign country.

In connection with the above, we would like to present a guide for Ukrainian citizens, presenting the issues of crossing the state border, legalizing stay in Poland, methods of obtaining appropriate permits needed to work in Poland.

This guide is the first in a series of practical guides for our guests from Ukraine.

We hope that this guide will bring refugees closer to the rules of law in the legal system and will facilitate stay and work in Poland for Ukrainian Citizens – until the entry into force of the so-called special act regarding assisting Ukrainian refugees.

Below mentioned act assumptions are to harmonize the rules of refugee stay in Poland and entitle them to certain health and social benefits.

At the March 7, 2022, The Council of Ministers of the Republic of Poland adopted a draft law on assistance to Ukrainian citizens in connection with an armed conflict in the territory of that state. The date of adoption of the act is unknown.

1. Crossing border.

1.1 General remarks.

Ukrainian citizens are entitled to cross the state border on the basis of:

- Visa-free travel.
- National D Visa or Schengen C Visa.
- Long-term visa or a residence permit issued by another Schengen country.
- The consent issued by the Commander-in-Chief of the Border Guard (entry under special rules).
- The temporary residence permit, permanent residence or long-term resident's EU residence permit with a permit and a valid residence card.
- An application for international protection (refugee status).

1.2 Visa – free border crossing.

From 19 February 2022 authorities lifted limitations related to crossing Ukrainian border.

It means, that crossing border based on visa-free movement agreement is possible again for Ukrainian citizens without additional criteria's.

Polish-Ukrainian border can be crossed in Dorohusk, Korczowa, Hrebenne, Medyka, Budomierz, Krościenko, Zosin i Dołhobyczow. At the day of composing this guide, all Polish-Ukrainian border crossings are open.

However, from the 25 February 2022, Polish border Guard does not require any other documents than biometrical passport.

1.3 Entry under special conditions (without passport).

According to the regulations, in the absence of a passport, it is possible to cross the border under special conditions, for a period of 15 days after receiving the consent of the Commander-in-Chief of the Border Guard.

From February 25, 2022, the Polish authorities allow Ukrainian citizens to cross the border based on any document confirming their identity - however, at the moment there is no legal basis for such action.

1.4 Refugee procedure.

Refugees from warzone can, in principle, apply for international protection. It is possible to submit an application for the protection at the Polish-Ukrainian border or at a unit of the Border Guard.

The decision on granting or refusing to grant refugee status or subsidiary protection is made by the Head of the competent Office for Foreigners.

**COMPETENT AUTHORITY:
BORDER GUARD OR HEAD
OF THE OFFICE FOR
FOREIGNERS**

After filing the application for international protection, refugee will be directed to a reception center under the authority of the Office for Foreigners.

After filing the application for international protection, staying in Poland is legal, but it is not possible to cross the border and travel, among other countries until the procedure is completed. Passport will be kept by the Head of the Office for Foreigners, and in his place, a special document - TZTC (temporary certificate for a foreigner) will be issued, confirming refugee identity and entitling to stay in Poland until the end of the procedure for granting international protection.

What is important, it is illegal to work in Poland during the first 6 months of the procedure for international protection. If 6 months have passed and case is still being processed, it is possible to apply for a permit entitling to work in Poland. After obtaining international protection, refugee have the right to work in Poland without any work permit.

The procedure of taking an asylum seeker with international protection **should last up to 6 months**. However, currently the average time required for this procedure is 14.5 months.

The application for international protection is free of any charge.

What's important we highly suggest you not to apply for international protection (refugee status), until new regulations will come to force in the nearest future.

2. Residence in Poland.

2.1 Temporary residence permit.

In case of temporary stay in Poland and possibility of proving the reasons for stay for more than 90 days, e.g., working on the basis of a work permit or employer statements, it is possible to apply **for temporary residence permit**.

A temporary residence permit also entitles to stay in other Schengen area countries for a period not exceeding 90 days in any 180-day period. However, the said permit does not allow to work in these countries.

In Polish law system, there are several types of temporary residence permits that can be used. More information is provided in chapter three.

2.2 Permanent residence permit.

Ukrainian citizens can apply for a permanent residence permit if they meet the criteria of one of several categories under the law. It mainly concerns foreigners with a valid Pole's Card.

Processing time is approximately 6 months.

Official Charge – 640 PLN for permit and 50 PLN for Residency Card. Pole's Card holders are exempt from any charges.

COMPETENT AUTHORITY:
VOIVODSHIP OFFICE
COMPETENT FOR THE
PLACE OF RESIDENCE

Required documents:

- Filled application form.
- Photo of the applicant.
- Copy of Pole's Card or it's original (if the applicant has one).
- Documents proving that the applicant has funds to cover the cost of living for the period of validity of the visa and to cover the costs of return to the home country.
- Document confirming the possession of health insurance valid in the territory of the Schengen countries for at least 30,000 euros.

Applicants who have obtained a permanent residence permit may start working in Poland without the need to apply for additional permits.

2.3 National Visa.

If it is possible to provide proof of residence in Poland for more than 90 days, e.g. by working on the basis of a permit or employer statement, refugees can apply for a national visa to legalize their stay in Poland.

National Visa is only obtainable in consulate offices, so this case is relevant in current situation.

3. Work in Poland.

3.1 Declaration on entrusting the performance of work to a foreigner.

Performing work in Poland is now possible based on a **registered declaration** on entrusting work to a foreigner at a local labor office, by a **potential employer**.

**COMPETENT
AUTHORITY:
LOCAL LABOUR
OFFICE**

Declaration is valid up to 24 months.

Application processing time is usually 7 days.

Official charge – 30 PLN.

Required documents:

- Declaration form,
- Extract from the relevant register or a copy of the employer's ID card,
- Statement of clean criminal record.

Above mentioned statement entitles to performing legal work **at given employer**.

3.2 Work permit.

There are few types of work permits in Poland. Type A is available to employees employed by a employer. Types C-E are available to employees delegated to perform work in Poland by a foreign employer.

In the case of work permit, applications and documents are submitted by the future employer and he is responsible for proper implementation of the procedure.

3.3 Temporary residence permit.

Temporary residence permit may only be used as a basis for stay in Poland for more than 90 days. In certain cases, temporary residence permit may be combined with work permit. In such cases, the foreigner receives work permit and residence card.

Temporary residence permits entitling to work in Poland without additional permits:

- Temporary residence and work permit – granted to employees performing most of their profession in Poland.
- Temporary residence permit for the purpose of performing work in profession requiring high qualification (EU Blue Card) - qualifications must be confirmed by a university diploma or document certifying at least 5 years of experience in a profession requiring high qualifications.
- Temporary residence permit for the purpose of economic activity – granted to foreigners who intend to conduct economic activity in territory of Poland, be part of management board of limited liability companies and joint-stock companies.

Validity period of permit:

- Up to 3 years with possibility multiple extensions in cases:
 - Case of temporary residence and work permit.
 - Temporary residence permits for the purpose of performing work in a profession requiring high qualification.
- From 3 to 5 years with possibility multiple extensions in case temporary residence permit to people who intend to conduct economic activity in territory of Poland.

**COMPETENT
AUTHORITY:
VOIVODSHIP OFFICE
COMPETENT FOR
PLACE OF
FOREIGNER
RESIDENCE**

Processing time – from 5 to 9 months.

Official charge – 440 PLN for permit and 30 PLN za residence card.

Required documents:

- Completed application form.
- Proof of having publicly funded medical insurance, medical travel insurance valid in Schengen. The required amount of insurance should not be lower than 30 000 PLN for entire visa period.
- Original information from staroste or document conforming the release **(in case of temporary residence and work permit and EU Blue Card)**.
- Documents conforming education or internship at work **(in case of EU Blue Card)**.
- Contract with a future employer for at least 1 year **(in a case of EU Blue Card)**.



- Document conforming place of residence in Poland **(in case of permit for the purpose of economic activity).**
- Certificate from the Social Insurance Institution and the Tax Office regarding non-areas with health insurance **(in case of permit for the purpose of economic activity).**
- Documents related to the conducted business activity **(in case of permit for the purpose of economic activity).**

The indicated temporary residence permits also entitle to stay in other countries of Schengen area for period not exceeding 90 days in every 180 days period. However, these permits do not entitle to work in these countries.

Legal basis:

Act of 12 December 2013 on foreigners (Journal of Laws of 2013, item 1650)

Act of 20 April 2004 on employment promotion and labor market institutions (Journal of Laws of 2004, No. 99, item 1001)

Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2003, No. 128, item 1176)

We are providing **free** legal assistance to refugees from Ukraine

Ми надаємо **безплатну** правову допомогу біженцям з України

We would like to kindly inform you, that the law firm provides free legal assistance to refugees located on the territory of Poland in connection with the war in Ukraine.

Повідомляємо, що юридична фірма надає безплатну правову допомогу біженцям, які перебувають на території Польщі у зв'язку з війною в Україні.

We would like to remind you that according to Polish law, every refugee resides in Poland legally, without the need to obtain additional residence permits.

Нагадуємо, що відповідно до польського законодавства кожен біженець перебуває в Польщі на законних підставах, без необхідності отримувати додаткові дозволи на проживання.

The regulations are to be changed soon, harmonizing the current situation and simplifying the procedures related to the possibility of taking up a work. Until then, we are at your disposal and we are preparing to introduce new regulations regarding the stay of refugees from Ukraine.

Найближчим часом планується внести зміни до регламенту, який узгодить поточну ситуацію та спростить процедури, пов'язані з можливістю влаштуватися на роботу. До цього часу ми у Вашому розпорядженні і готуємось до введення нових правил щодо перебування біженців з України.

In case of any problems, we help in contact with offices, notaries and non-governmental organizations. We also help in communication in matters where knowledge of the Polish language is necessary.

У разі виникнення проблем ми допомагаємо в контактах з офісами, нотаріусами та громадськими організаціями. Ми також допомагаємо у спілкуванні в питаннях, де знання польської мови є необхідним.

We provide legal assistance in various areas of law.

Надаємо юридичну допомогу в різних галузях права.

Mówimy po polsku. Говоримо українською.

We speak English. Nous parlons français.

Мы говорим по-русски.

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