

Legal Alert

New regulations governing work permits for foreigners

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New rules go into effect on 1 February 2008 for foreigners working in Poland without the need to obtain a permit. What will the real changes be?

Which foreigners are affected by the amendment?

The new regulations apply to two groups of foreigners. One group is citizens of countries bordering on Poland, that is, Ukrainians, Russians and Belarussians. The other group is citizens of member states of the European Union or the European Economic Area, plus Switzerland, who serve on the management board of legal persons or capital companies in organization.

What has changed?

Until now, the regulations have made it possible for foreigners covered by this provision to work without the need to obtain a permit for a period of three months within a continuous six-month period. Now they will be able to work for a period of six months within a continuous twelve-month period, calculated from their initial entry to Poland.

In practice this means that the period for working without a permit will still be six months, but now it will be possible to work continuously without the need for the foreigner to return in the meantime to his or her country of permanent residence.

What has not changed?

The requirement to make a prior registration of the wish to hire the foreigner in the local district labor office (PUP) has been retained.

There is no fee for the registration. This declaration, registered with the labor office for the place where the employer has its registered office, provides the basis for the foreigner to seek a stay visa.

The possibilities for the foreigner to change employers during the period of his or her stay in Poland, and to perform work on the basis of different permissible forms of employment, have also been retained.

This streamlining in treatment of this category of foreigners will remain in effect through 31 December 2009. It is possible that this period will be extended, if studies conducted by the Labor Ministry prove satisfactory.

It should also be borne in mind that in the case of foreigners serving on management boards, the six-month period is calculated jointly for each foreigner, regardless of how many management boards he or she serves on, rather than being calculated separately for each specific company whose board the foreigner serves on.

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