

monthly newsletter

WHAT'S NEW IN GLOBAL MOBILITY & IMMIGRATION

June 2023



Dear Readers,

Welcome to our What's new in Global Mobility&Immigration newsletter, which is now in a new format - short information on the latest developments in immigration law. The pace of change concerning immigration legislation and how it is used in practice by the authorities is so fast that we have decided to give you a monthly round-up of the latest changes in the form of short updates.

We would like to encourage you to follow our firm on social media to keep abreast of all relevant immigration news.

Enjoy your reading, and please get in touch if you have any questions.

Karolina Schiffter, advocate, partner

Ewa Wysocka, trainee attorney-at-law, lawyer

RESIDENCE AND WORK LEGALISATION DOCUMENTS EXTENDED BY COVID-19 EMERGENCY LAW PROVISIONS WILL EXPIRE ON 31 JULY 2023

The Ministry of Health revokes the state of epidemic threat in Poland on 1st July 2023.



The end of the epidemic threat means that residence and work legalization documents extended by covid-19 emergency law provisions will expire on 31st July 2023 (the state of epidemic threat end date + 30 days).

Non-nationals who had their residence permits extended under the emergency laws will be able to submit the relevant applications extending their legal stay in Poland, but no later than 31st July. Moreover, after this date, it will no longer be possible to provide work based on work permits and declarations of giving work to a non-national extended under the emergency regulations.

These provisions will have limited application to Ukrainians, whose legal stay in Poland is extended under the Ukrainian emergency law.

4 MARCH 2024 - NEW EXTENSION DATE FOR LEGAL STAY OF UKRAINIANS IN POLAND

At the end of June, new provisions of the next amendment to the Ukrainian emergency law come into force. Under this amendment, those Ukrainians who fled from war and those whose national visas, short-stay visas, visa-free travel rights and temporary residence permits expired after 24th February 2022, can legally stay in Poland by 4th of March 2024. Children attending Polish schools will have the right to legally stay in Poland by 31st August 2024 (and in some cases by 30th September 2024). The stay of the parents or guardians of such children will be extended for the same period.



REGULATIONS TO FACILITATE POLISH RESIDENCE PERMITS FOR UKRAINIANS EXTENDED TO 4 MARCH 2024

The amended Ukrainian emergency law also extended the duration of special provisions concerning residence permits for Ukrainians. Until 4th March 2024, residence permit applications submitted by Ukrainian citizens who do not meet all statutory requirements will not be rejected. Instead, the applicants will be issued a special permit legalising their stay for a year. However, such a permit will not automatically grant its holder the right to work in Poland.

Until 4th March 2024, Ukrainian sole traders running their business in Poland can also benefit from special facilitation measures in a residence permit process. This group of applicants will not have to prove that their business has sufficient income/number of employees or the means to achieve them in the future.

The suspension of procedural deadlines for processing residence permit applications was also extended to 4th March 2024, which means accelerating residence permit proceedings will not be easy.

LOOPHOLE IN WORK REGULATION FOR UKRAINIANS STAYING IN POLAND UNDER VISA-FREE REGIME EXTENDED BY UKRAINIAN EMERGENCY LAW

Ukrainians who arrived in Poland under a visa-free regime (or based on any other document enabling them to short-term stay up to 90 days within 180 days, such as a residence card or a visa issued by another Schengen country, or a Schengen visa issued by the Polish authorities, etc.), and whose right to stay expired after 24th February 2022, may stay in Poland by 4th March 2024.

However, such an extended stay does not give a non-national the right to work in Poland based on a work permit or a declaration of giving work to a non-national. Ukrainians who came to Poland under the visa-free regime (or any other short-term right of residence) and did not apply for a residence permit at least 90 days before their right to stay expired may be employed in Poland only based on a declaration of giving work to a Ukrainian national.

DIIA.PL AVAILABLE FOR CHILDREN UNDER 13

On 5th June 2023, diia.pl became available for Ukrainian refugee children under the age of 13. The governmental 'mCitizen' application has been updated to include a children tab, where the document can be downloaded. Only parents whose "UKR PESEL" is linked to the child's "UKR PESEL", i.e. those who were declared as legal guardians for minors when registering at the local authorities office, will have access to the application for children. This new development will allow Ukrainian refugee children to freely cross borders within the Schengen area and return to the Schengen area from third countries. In addition to the diia.pl application, a valid passport is required for legal border crossing.

GLOBAL MOBILITY&IMMIGRATION

We advise on all global workforce mobility matters, including immigration, tax and social security issues. Our practical solutions are based on years of experience.

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