

monthly newsletter

# WHAT'S NEW IN GLOBAL MOBILITY & IMMIGRATION

July 2023



## Dear Readers,

Here is the latest What's New in Global Mobility&Immigration. Despite the summer holidays and a presumably calmer time, changes in immigration law do not seem to have lost their momentum.

We would like to encourage you to follow PCS | Littler 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

## END OF EPIDEMIC STATE OF EMERGENCY - DOCUMENTS LEGALISING NON-NATIONALS' STAY AND WORK IN POLAND EXPIRE

The epidemic state of emergency in Poland officially ended on 1st July 2023. This means that as of 1st August, non-nationals who legally stayed and worked in Poland under the COVID-19 emergency laws will no longer be allowed to do so.

From August, inspections by the authorities aimed at verifying the legality of residence and work status of non-nationals are expected to increase. Not only non-nationals may be affected by negative consequences but also their employers. This is why we recommend carrying out a document audit to ensure that all non-nationals will be legally employed after 31st July 2023.



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

## CONFIRMING KNOWLEDGE OF POLISH FOR LONG-TERM EU RESIDENCY APPLICANTS WILL BE EASIER

According to the new regulations that became effective on 24th June 2023, there will be more ways for long-term EU residents applying for a residence permit to confirm their knowledge of Polish.

Previously, the necessary knowledge of Polish could only be confirmed by an official certificate issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language or a graduation certificate/diploma from a school with Polish as the language of instruction.

Under new rules, B1-level language proficiency in Polish can be confirmed by a certificate from private examination organisations (ECL, TELC) or an internal language examination certificate from Polish universities.

## WORK ON KEY REGULATIONS FOR EMPLOYERS PUT ON HOLD



The government stopped working on two regulations by the Ministry of Foreign Affairs that were supposed to make visa processes and relocation to Poland easier. One of them concerned countries where it would be possible to submit visa applications to the minister responsible for foreign affairs. The other one was about priority service for national work visa applications.

The purpose of the former was to enable the Polish Ministry of Foreign Affairs to issue visas for citizens of some countries, such as Armenia, Moldova, Nigeria, and Turkey, through external service providers to help ease the workload of consular staff in those countries and speed up visa processes. The latter was intended to enable certain professionals (e.g. doctors, caregivers of persons with disabilities, and IT specialists) to have their visa applications processed on a priority basis.

Both regulations were widely discussed by the industry and awaited by employers. But now it is unclear when, or if, the government will resume the work on these regulations.

## POLISH TRAVEL DOCUMENTS FOR BELARUSIANS

Between 1st July 2023 and 31st December 2023, Belarusian citizens residing in Poland based on a temporary or permanent residence permit (or any other type of long-term residence documents) whose passport has been destroyed, has expired or who have never had a passport (e.g. children born in Poland) will be allowed to apply for a Polish travel document for a non-national, which can replace a Belarusian passport. This is the response of the Polish authorities to the difficulties faced by Belarusian citizens returning to their country to renew their passports or applying for them at Belarusian consulates in Poland. A Polish travel document for a non-national will be issued for 1 year free of charge.

## DIFFICULTIES IN TRAVELLING BASED ON DIIA.PL AND PASSPORTS EXTENDED BY UKRAINIAN CONSULATES

We have received information that Ukrainians holding a diia.pl electronic travel document or a Ukrainian passport extended by a special extension note are experiencing difficulties when boarding flights with some airlines.

It may happen because airport staff is not familiar with complex immigration regulations. Moreover, diia.pl is a relatively new document, perhaps not yet known to airport staff outside Poland, and extending travel documents with a special note in the passport is also quite an uncommon solution.

We recommend that Ukrainians using an extended document renew their passports when planning long-distance travel. Those using diia.pl should be ready to explain their right to cross the border. We will be happy to assist in drawing up a letter that can be presented during the document check.



## TRAINING SESSION: HOW TO CHECK WHETHER A NON-NATIONAL CAN BE LEGALLY EMPLOYED

We would like to offer our training services concerning the legality of non-national employment. We will be happy to adjust training content to your individual needs.

- the right of residence and the right to work - how they are connected and what to check about them;
- limited and unlimited right to work – document case study;
- right of residence with the right to work, without the right to work and excluding work - document case study;
- special cases - Ukrainian citizens with UKR status.

More: [here](#).

## 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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