

monthly newsletter

WHAT'S NEW IN GLOBAL MOBILITY & IMMIGRATION

January 2024



Dear Readers,

We are kicking off the new year with the first edition of our 2024 What's New in Global Mobility & Immigration newsletter.

The turn of the year has brought a flurry of developments concerning the stay and employment of non-nationals in Poland. We have summarised the most important updates for you.

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

Karolina Schiffter, advocate, partner

Ewa Wysocka, trainee attorney-at-law, lawyer

INCREASE IN MINIMUM SALARY

On 1st January 2024, the minimum monthly salary rose to PLN 4,242 gross. This adjustment applies to all employees in Poland, including non-nationals.

The increase in the minimum salary has a particularly significant impact on processing and issuing residence and work permits in Poland for applications not completed before 1st January 2024. This is because the condition for obtaining such a permit is that the non-national must earn at least the minimum salary, regardless of their working time or the legal framework governing their employment.



A non-national must earn more than the new minimum salary effective from 1st 2024, even if their process for granting a residence and work permit had been initiated earlier. If the salary of such an employee has not been updated accordingly, the authorities will decline to issue the non-national a residence and work permit in Poland.

We recommend that employers make sure the salaries of the non-nationals they employ have been adjusted accordingly, and that documents confirming this have been provided to the relevant processing authority.

POLAND BUSINESS HARBOUR VISAS: NEW RESTRICTIONS

The Ministry of Foreign Affairs has temporarily halted the processing of visa applications under the Poland Business Harbour (PBH) programme. This means that Polish employers are currently unable to secure visa recommendations under the programme's business route, precluding their applicants from applying for a visa under the simplified procedure. Moreover, companies cannot currently register as PBH programme participants.

However, it is still possible to obtain a PBH visa through the individual route. To do so, a non-national must demonstrate that the PBH programme participant company will employ them upon their arrival in Poland and that they are IT professionals. Only citizens of Belarus, Russia, Ukraine, Moldova, Georgia, Armenia, and Azerbaijan can obtain a PBH visa through the individual route.



Due to the current heightened scrutiny by Polish authorities regarding the acquisition of Polish visas, we anticipate that the PBH programme will be reviewed and subjected to changes. However, it is still too early to predict the direction of these changes.

UNCERTAINTY HANGS OVER UKRAINIAN REFUGEES' LEGAL STAY IN POLAND

There is still no update on the emergency Ukrainian law and the expected extension of legal stay in Poland for Ukrainian citizens by 4 March 2025, which is the date by which EU temporary protection for those fleeing to EU countries from the Russian-Ukrainian conflict has been extended. At present, the emergency Ukrainian laws in Poland guarantee legal stay to a large group of Ukrainian citizens until 4 March 2024.



The recent change of government and the resulting disruption in the legislative process have stalled the work on the amendment extending the legal stay. While we expect an extension ultimately, the Polish Sejm is likely to vote on it at the very last minute.

POLISH TRAVEL DOCUMENT FOR BELARUSIANS: AVAILABILITY EXTENDED

Belarusian citizens in Poland with a temporary or permanent residence permit (or other long-term stay) can continue to apply for a Polish travel document until 30th June 2024 if their passport is damaged or expired. However, Belarusian children born in Poland who haven't had a Belarusian passport and don't have a Polish residence permit are still unable to apply.

Documents will continue to be issued to Belarusians free of charge.

UKRAINE CONTEMPLATES CONSCRIPTION SHAKE-UP

The Ukrainian government is planning major changes to conscription rules, with potential implications for Ukrainian citizens living outside the country.



One proposed measure would link the issuance of Ukrainian passports to men aged 18-60 with having military registration documents. This rumour has sparked anxiety among Ukrainian citizens in Poland and led to a surge in passport renewal requests. Consequently, wait times for appointments and document issuance are likely to increase substantially.

The planned changes also include stricter penalties for people evading registration and military service. Such individuals could face travel bans, driving license restrictions, and even license suspensions. This could lead to some Ukrainian workers returning home, potentially impacting the workforce in Poland.

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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