

monthly newsletter

WHAT'S NEW IN GLOBAL MOBILITY & IMMIGRATION

April 2024



Dear Readers,

Welcome back to our newsletter, What's New in Global Mobility & Immigration!

This month brings important updates for employers navigating the ever-changing immigration landscape.

Follow our law firm on social media for the latest immigration news.

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

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DRAFT AMENDMENT TO UKRAINIAN EMERGENCY LAW

The Polish government has proposed revisions to the Ukrainian Emergency Law. Here is a summary of the key changes:



- **Faster Work Permit Notification:** Employers will have a shorter timeframe (7 days instead of 14) to notify local labour offices when employing Ukrainian citizens.
- **Extended Stay for Ukrainians:** Ukrainian citizens with "UKR status" will have the right to legally stay in Poland until 30th September 2025. This includes those who fled the war and those residing in Poland with other expired visas/permits.
- **Family Reunification for UKR Holders:** Starting 1st July 2024, holders of UKR status can apply for residence permits for family reunification purposes.
- **Residence Permit Simplified:** A dedicated temporary residence permit with a simplified application process is planned for UKR holders (likely starting 1st January 2025).

The details of the proposed changes are still under review. It is uncertain whether all proposals will be implemented as originally intended by the authorities.

However, considering that the current emergency law allows Ukrainians to legally stay in Poland until 30th June 2024, we can expect swift progress on finalizing the next amendment.

BULGARIA AND ROMANIA JOIN SCHENGEN AREA

On 31st March 2024, Bulgaria and Romania officially joined the Schengen Area for air and sea travel. This means several key changes:



- Both countries will now issue Schengen visas, allowing holders to enter and stay in the Schengen area for up to 90 days within a 180-day period.
- Periods of stay in Bulgaria and Romania will now count towards the overall 90-day limit for short-term stays (Schengen visas and visa-free travel) within the Schengen area, regardless of the entry point (sea, air, or land).
- Long-stay visas and residence permits issued by Bulgaria or Romania will now allow entry into other Schengen states.

Bulgaria and Romania are working towards lifting internal land border controls, both between themselves and with other Schengen states. The exact timeframe for implementing these changes remains uncertain.

POLAND. BUSINESS HARBOUR VISAS UNDER SCRUTINY

The Polish Investment and Trade Agency (PAIH) has recently launched audits at IT companies that participated in the Poland. Business Harbour (PBH) program between 2020 and 2023. The Supreme Audit Office (NIK) is also expected to conduct similar audits.



These reviews come in response to press reports suggesting that a lot of PBH visa holders did not actually relocate to Poland. The authorities aim to verify these reports and determine whether the PBH program truly supported the Polish economy or if it unintentionally facilitated movement to other Schengen countries.

Entrepreneurs who previously benefited from the PBH program can expect inquiries from PAIH and NIK. These inquiries will likely focus on:

- The number of foreign employees hired through the PBH program.
- How many of these employees started working in Poland and subsequently applied for temporary residence permits.

VISA FEES INCREASE

A draft regulation has been published on the government legislation centre website proposing an increase in consular fees for Polish national visas. The proposed increase would raise the fee from €80 to €135.

The proposed increase would not apply to citizens of countries that benefit from existing reduced visa rates (e.g., Belarus) or are entirely exempt from visa fees (e.g., Ukraine). For such individuals, the fees will remain unchanged under the relevant bilateral agreements concluded by Poland with these countries.



The official justification for the proposed changes centres on two primary objectives:

- Curbing the use of Polish visas as a stepping stone to other Schengen countries; and
- Encouraging applicants seeking extended stays in Poland to apply for temporary residence permits instead of national visas.

The earliest possible implementation date for this regulation is 1st May 2024. However, 1st June 2024 appears to be the more likely scenario.

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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