

WHAT'S NEW IN GLOBAL MOBILITY & IMMIGRATION

May 2025



Dear Readers,

On 1 June 2025, further acts on the employment and stay of foreigners in Poland will enter into force: the Act of 4 April 2025 on amending certain acts in order to eliminate irregularities in the visa system of the Republic of Poland and the Act of 24 April 2025 on amending the Act on Foreigners and certain other acts (devoted to changes in the provisions on the so-called EU Blue Cards).

Below, we discuss in a practical way the changes resulting from the above two acts. We have marked the changes in colours to make them easier to read: in **green** - changes beneficial for employers and foreigners; in **blue** - changes neutral or ambiguous; in **red** - changes that are unfavourable for employers and foreigners.

Please note – another act also came into force on 1 June 2025 (with a delay compared to the originally planned date of entry into force of 1 May 2025), i.e. the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland. We discussed the changes introduced by that act in the March 2025 edition of this newsletter.

We offer condensed 2-hour training courses, during which we provide practical knowledge that will allow you to adapt to the requirements resulting from all upcoming changes – please contact us if you are interested in such training.

We wish you an enjoyable read and if you have any questions - please contact us.

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I. The Act amending certain acts in order to eliminate irregularities in the visa system of the Republic of Poland

1. Extension of the catalogue of grounds for refusal to initiate proceedings on a temporary residence permit based on work

Currently, in accordance with the Act on Foreigners, a foreigner is refused to initiate proceedings on granting a temporary residence permit for the purpose of performing work, among others, when on the day of submitting the application the applicant is staying in the territory of Poland on the basis of a visa issued for tourist purposes (code: "01") or visiting family or friends (code: "02").

After the new regulations enter into force, the refusal to initiate proceedings for granting such a permit to a foreigner will also occur if the basis for the applicant's stay in Poland on the date of submission of the application is one of the following residence titles:

- Polish visa (both long-term and Schengen one) issued for the purpose of:
 - participation in sports events (code: "03"),
 - conducting cultural activities or participating in conferences (code: "07"),
 - completing bachelor studies, master studies or uniform master's studies or education at a doctoral school (code: "09"),
 - vocational training (code: "10"),
 - education or training in a form other than that specified above (code: "11"),
 - medical treatment (code: "14"),
 - participation in a cultural or educational exchange program, a humanitarian aid program or a summer work program (code: "16"), or
 - transit or air transit.
- a long-term visa issued by another Schengen country, regardless of the purpose of issuing the visa (with exceptions regarding the use of so-called mobility, e.g. a scientist or a student),
- a residence permit (i.e. primarily a residence card) issued by another Schengen country (with exceptions regarding the use of so-called mobility, e.g. a scientist, student, holder of a Blue Card issued by another EU country or holder of a so-called ICT residence permit issued by another EU country),
- an entry permit issued by the commandant of a Border Guard post for a period of up to 15 days (e.g. for humanitarian reasons).

The tightened rules for refusing to initiate proceedings will apply only to applications for temporary residence for the purpose of performing work submitted after these rules come into force. Proceedings from applications submitted under the currently applicable provisions will not be discontinued.

The above changes will apply from 1 June 2025.

2. **New powers of the consul and the Minister of Foreign Affairs in terms of access to information for the purposes of visa proceedings**

The new regulations allow consuls and the Minister of Foreign Affairs to obtain additional information for the purposes of conducting proceedings on the issuance, withdrawal or invalidation of a visa. The sources of this information will include, among others, tax case files, data on the accounts of the insured person or the payer of contributions in the Social Insurance Institution (ZUS), the Border Guard's IT system, lists in cases of foreigners kept by the Head of the Immigration Office and the POL-on system kept by the minister responsible for higher education and science (containing, among others, a list of students and a list of foreigners admitted to studies and doctoral schools).

These changes are to contribute to shortening the time of processing visa applications, and also have a significant impact on the assessment of the grounds for refusing issuance, withdrawing or invalidating a visa.

The above changes will come into effect on 1 June 2025, except for the changes regarding access to data in the POL-on system, which will come into effect on 1 July 2025.

3. **Additional options for arranging visa appointments**

The new regulations will allow consuls to schedule visa appointments using remote means of communication that provide identification of the foreigner, such as videoconferencing.

The above change is intended to streamline the process of handling visa applications submitted personally by eliminating the need to book an appointment using online forms, which are currently often controlled by automatic scripts used by dishonest visa intermediaries.

The above changes will apply from 1 June 2025.

4. **Tightening the rules for recruiting foreigners to studies, the conditions for approving universities for admission to studies and changing the regulations on visas and temporary residence permits for study purposes**

The Act provides, among others, the following solutions:

- 1) a limit of foreigners studying in a given academic year at a given university – up to 50% of the total number of its students;
- 2) covering non-public academic universities and public vocational universities with the approval procedure by the minister responsible for internal affairs for the purposes of admitting foreigners to start or continue their studies (currently both of these types of universities are exempt from the approval procedure);
- 3) tightening the rules for recruiting foreigners to studies – in particular the requirement to document knowledge of the language of instruction and pass an entry exam (until now,

universities could, but did not have to, apply these requirements) and the requirement to obtain additional approval from the Director of the National Agency for Academic Exchange (NAWA) in certain cases of foreigners who completed secondary schools abroad;

- 4) the obligation to present a fee for a semester or academic year in order to obtain a visa or a temporary residence permit for the purpose of studies (in the case of paid studies);
- 5) the obligation of the consulate that issued the visa for the purpose of studies to notify in writing the rector of the university where the foreigner intends to start or continue their education;
- 6) the obligation of the university rector to notify in writing the consulate that issued the visa for study purposes about the deletion of a foreigner from the list of students or doctoral students;

The above changes will apply from 1 July 2025, subject to a number of transitional provisions regulating specific issues.

5. Exclusion of a post-secondary school graduation certificate from the catalogue of evidence of knowledge of the Polish language for the purposes of obtaining a long-term EU resident permit and recognition as a Polish citizen

The new regulations exclude the possibility of confirming knowledge of the Polish language for the purposes of proceedings for granting a long-term EU resident permit and recognition as a Polish citizen by means of a post-secondary school graduation certificate in Poland or a school graduation certificate abroad corresponding to a Polish post-secondary school, with Polish as the language of instruction.

These rules will apply to applications submitted from 1 July 2025 (with exceptions extending the old rules in some cases even until June 2026).

6. Restriction of the right to conduct "unregistered activity" by foreigners

The new regulations will also deprive foreigners not authorized to conduct business activity in Poland of the right to conduct so-called "unregistered activity" (i.e. small-scale activity, meeting in particular the condition of income not exceeding 75% of the minimum wage in any month).

The above changes will apply from 1 June 2025.

II. The Act amending the Act on foreigners and certain other acts - changes regarding the EU Blue Card

All provisions of this Act will enter into force on 1 June 2025.

However, some provisions will apply only to applications submitted or Blue Cards issued after the new regulations enter into force, and others will also apply to applications submitted or Blue Cards issued before the new regulations enter into force. Below, when discussing individual changes, we indicate which applications and EU Blue Cards they will apply to.

1. New privileges for foreigners holding an EU Blue Card

(1) open access to the labour market from the first day of validity of the EU Blue Card

After the new regulations come into force, EU Blue Cards will be issued without indicating employment conditions in the decision – in particular without indicating a specific employer or position.

This means that the holder of a Blue Card issued after the new regulations come into force will not be tied to the employer and position indicated in the decision, but from the first day after the EU Blue Card is issued, they will have full access to the Polish labour market (subject to work in a profession requiring high qualifications for a salary not lower than 150% of the average salary from the year preceding the application) and will be able to freely change jobs. Currently, this type of freedom is available to holders of EU Blue Cards only after two years of residence in Poland based on the EU Blue Card.

The only formality that a foreigner will have to complete will be to notify the office of the change of employer (under penalty of withdrawal of the permit in the event of failure to complete this formality).

The above rules will apply to Blue Cards issued after the date of entry into force of the new regulations, both upon application submitted after the entry into force of the new regulations and upon application submitted before their entry into force.

Blue Cards issued before the entry into force of the new regulations will not begin to provide full access to the labour market before the threshold of two years of residence has elapsed.

(2) the right to undertake and conduct business activity in Poland

The new regulations grant holders of EU Blue Cards the right to undertake and conduct business activity in Poland on the same terms as Polish citizens.

This right will be available to holders of EU Blue Cards issued both before and after the entry into force of the new regulations.

This means that it will be permissible for Polish companies to undertake cooperation with foreigners holding EU Blue Cards on the basis of so-called B2B agreements (i.e. agreements for the provision of services between entrepreneurs).

(3) extended time to look for work without the risk of having the EU Blue Card withdrawn

The new regulations extend the period during which the EU Blue Card holder may remain unemployed with the guarantee that during this time their Blue Card will not be withdrawn by the office. Under the current regulations, this period is 3 months throughout the entire validity period of the Blue Card.

According to the new regulations, the Blue Card cannot be withdrawn if the period without work does not exceed:

- 3 months – in the event of staying in Poland on this basis for less than 2 years, and
- 6 months – in the event of staying in Poland on this basis for no less than 2 years.

The above rules will apply to Blue Cards issued both before and after the entry into force of the new regulations (with the exception that the proceedings for the withdrawal of a Blue Card initiated before the entry into force of the new regulations will be continued according to the previous rules).

(4) short-term and long-term mobility of EU Blue Card holders

Short-term mobility is a new right of a holder of a valid EU Blue Card issued by another EU country to stay in Poland for up to 90 days in the last 180 days and perform work for their employer from another EU country without any additional permit. The catalogue of work activities permitted under "short-term mobility" will be limited - it will include broadly understood business activities (e.g. participation in meetings, conferences or seminars, negotiating trade agreements, undertaking sales or marketing activities, participation in training, etc.).

Long-term mobility is a new right allowing the holder of an EU Blue Card issued by another EU country the right to move to Poland to take up work for a period longer than 90 days. In this case, the work does not have to be limited to business activities and may result from employment with a Polish entity. In order to benefit from long-term mobility in Poland, a foreigner moving from another EU country will have to apply for a special residence permit in Poland, however, they will be able to start work from the very moment of submitting the application.

Both of the above-mentioned rights will be available in Poland to holders of EU Blue Cards issued by another EU country as of 1 June 2025.

2. Relaxation of the conditions for granting an EU Blue Card

(1) Reduction of the professional experience requirement for certain professions

To obtain an EU Blue Card, a foreigner must document completion of at least 3 years of higher education related to the profession they perform or having at least 5 years of experience in the profession they perform.

The new regulations shorten the professional experience requirement from 5 years to 3, provided that the foreigner will work in one of the professions specified in a separate announcement to be made by the Minister of Internal Affairs, and the experience was obtained within the last seven years before submitting the application. Based on the list set out in the annex to the EU directive amending the EU Blue Card Directive, the following categories of professions (according to the official Polish classification of professions and specialties) will most likely be indicated in the announcement:

Information and communication technology managers
Information and communication technology specialists

The relaxed requirement will apply to both applications submitted after the entry into force of the new regulations and applications submitted earlier but still being considered on the date of entry into force of the regulations.

(2) Shortening the requirement of the duration of the contract concluded with a foreigner

After the change in the law, the required period of validity of the employment contract, outwork contract or civil law contract that a foreigner must submit in order to obtain an EU Blue Card will be shortened from 1 year to 6 months.

The above simplification will only apply to applications submitted after the new regulations come into force. The previous regulations will apply to pending applications.

3. Tightening of notification obligations on the part of the foreigner and sanctions for failure to comply with them

The new regulations introduce new notification obligations for foreigners.

A foreigner will have to notify the office in writing about:

- change of the entity entrusting work,
- cessation of meeting the requirements for granting an EU Blue Card, and
- commencement of long-term mobility in another EU country.

The notification will have to be submitted within 15 working days of the occurrence of the situation resulting in the occurrence of the information obligation.

The sanction for failure to comply with the obligation to submit a notification of a change of employer or cessation of meeting the requirements will be the withdrawal of the EU Blue Card by the office. The obligation to notify about the use of long-term mobility will not be subject to such a sanction.

These rules will apply only to the EU Blue Card issued after the date of entry into force of the new regulations, including a permit issued in proceedings that were ongoing at that time. In the case of a Blue Card issued before the change in the legal status, the previous provisions will apply.

4. New grounds for withdrawal of the EU Blue Card

According to the new regulations, the EU Blue Card will be withdrawn by the office, among others, in the following cases (which under the current regulations do not constitute grounds for withdrawing the EU Blue Card):

- if the foreigner fails to submit the required notification to the office on time about the change of the entity entrusting the work or ceasing to meet the requirements for issuing a Blue Card;
- if the company entrusting work to a foreigner ceases to fulfil the obligation to pay social security contributions or falls into tax arrears – this basis for the withdrawal of the EU Blue Card is particularly problematic for foreigners because it refers to circumstances that the foreigner himself may have no influence on or may not even be aware of.

The above rules will apply to Blue Cards issued both before and after the entry into force of the new regulations.

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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