

# Granting the status of an unemployed

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You can get the unemployed status if:

1. you are: and
  - a. a Polish national;
  - b. a national of an European Union member state;
  - c. a national of a state in the European Economic Area not belonging to the European Union;
  - d. a national of a state not being a party to the Agreement on the European Economic Area who can benefit from the freedom of movement for workers based on the agreements executed by such states with European Community or its member states (i.e. a national of Island, Lichtenstein, Norway or Switzerland).
  - e. a foreigner who:
    - holds a refugee status in Poland;
    - holds a permanent residence permit in Poland;
    - holds a residence permit for EU long-term resident in Poland;
    - holds a temporary residence permit in Poland, granted in connection with the circumstances mentioned in Article 127 or Article 186 section 1 item 3 the Act of 12 December 2013 on Foreigners (Journal of Laws of 2018 items 2094, 2399);
    - holds a temporary residence permit mentioned in Article 114 section 1 or 1a or Article 126 section 1 the Act of 12 December 2013 on Foreigners (Journal of Laws of 2018 items 2094, 2399), or a visa issued to work in Poland and, directly before the registration as an unemployed, you were employed continuously in the territory of Poland for at least 6 months;
    - holds a residence permit due to humanitarian reasons or a consent for tolerated stay in Poland;
    - benefits from temporary protection in Poland;
    - benefits from supplementary protection in Poland.
  - f. a foreigner accompanying in Poland a foreigner who is:
2. a national of an European Union member state;
3. a national of a state in the European Economic Area not belonging to the European Union;
4. a national of a state not being a party to the Agreement on the European Economic Area who can benefit from the freedom of movement for workers based on the agreements executed by such states with European Community or its member states (i.e. a national of Island, Lichtenstein, Norway or Switzerland).

— as a family member under Article 2 section 4 of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members (Journal of Laws of 2019 items 293);

7. a foreigner who, being a family member of a Polish national, obtained a temporary residence permit in Poland or having filed an application for a temporary residence permit, a permanent residence permit or a residence permit for EU long-term resident stays in Poland pursuant to Article 108 section 1 item 2 or Article 206 section 1 item 2 Act of 12 December 2013 on Foreigners (Journal of Laws of 2018 items 2094, 2399) or based on a stamp in a travel document, confirming the submission of an application for a residence permit for EU long term resident if they hold a permanent residence permit directly before the application for granting a temporary residence permit, permanent residence permit or a residence permit for EU long-term resident;

and

2. you are not employed and do not do any other paid work, able and ready to commence full-time employment as applicable to a given job, service or other paid work or if you are disabled, able

and ready to commence employment in at least half of the said work time, do not learning at school, with the exception of those learning at schools for adults or about to sit an external examination based on the curriculum in such a school and learning at a secondary and post-secondary industry school, providing full-time or extramural education, or at the university where you attend an extramural course, registered in the Poviát Labour Office competent for your place of permanent or temporary abode and look for employment or other paid work if:

- a. you are over 18 years old;
- b. you are not 60 years old yet (if you are a woman) or 65 years old (if you are a man);
- c. you have not acquired old-age or disability pension entitlement, training allowance, social benefit, survivor's pension in the amount exceeding one half of the minimum remuneration for work or after the termination of employment, other paid work, non-agricultural activity you do not receive a teachers' compensation benefit, pre-retirement benefit, pre-retirement allowance, rehabilitation allowance, sickness benefit, maternity benefit or a benefit in the amount corresponding to the maternity benefit;
- d. you have not acquired old-age or disability pension awarded by a foreign old-age or disability pension body in the amount of at least the lowest old-age or disability pension as mentioned in the Act of 17 December 1998 on pension benefits from the Social Insurance Fund;
- e. you are not the owner, autonomous possessor or dependent possessor of agricultural property pursuant to the Act of 23 April 1964 Civil Code (Journal of Laws of 2018, item 1025 as amended), with the arable land area exceeding 2 comparative fiscal hectares or are not eligible to old-age or disability pension for permanent employment as a spouse or a household member in an agricultural undertaking with the arable land area exceeding 2 comparative fiscal hectares;
- f. you do not earn any revenue taxable with income tax from special branches of agricultural production unless the revenue from special branches of agricultural production, calculated to determine the personal income tax, exceeds the average revenue from work in individual agricultural undertakings from 2 comparative fiscal hectares, agreed by the President of Statistics Poland based on the agricultural tax regulations or you are not eligible to old-age and disability insurance for permanent employment as a spouse or a household member in such an agricultural undertaking;
- g. you have not applied for entry in the Business Activity Register or having applied for such an entry:
  - you have applied to the Central Registration and Information on Business for suspending your business activity and the suspension period has not expired yet; or
  - the period until the business activity commencement, as stipulated in the application for entry in the Central Registration and Information on Business, has not elapsed;
- h. you are not detained temporarily or you are not subject to imprisonment, except for the deprivation of freedom outside prison in the electronic tagging system;
- i. you do not earn a monthly revenue amounting to more than one half of the minimum remuneration for work, excluding revenue obtained from interests or other revenue from money accumulated on bank accounts;
- j. you do not receive any permanent benefit based on the social welfare regulations;
- k. you do not receive, pursuant to family benefits' regulations, any attendance allowance, special care allowance or extra family benefit for being a single parent and a loss of the title to the unemployment benefit due to the expiry of the statutory period of receiving it;
- l. you do not receive the training allowance as mentioned in Article 70 section 6 after the employment was terminated;
- m. you are not subject, based on separate provisions, to the social insurance obligation, except for the social insurance of farmers;
- n. you do not receive a carer's benefit based on the regulations on the determination and payment of carers' benefits.