Rules of commencing work in Poland by people other than nationals of the European Union or the European Economic Area or Switzerland

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For a national of a state outside the European Union / European Economic Area to work in Poland legally, they need to fulfill the conditions mentioned below:

- hold a **document permitting them to enter a Polish labour market,** e.g. a work permit, a seasonal work permit, a declaration on entrusting work to a foreigner or a temporary residence and work permit (or be exempted from the said requirement pursuant to specific regulations);
- hold a **residence document** offering also the right to work (e.g. a relevant visa or residence permit);
- work in line with the terms and conditions included in the permit or declaration solely for the employer indicated in the document;
- execute a relevant work contract with the employer.

The regulations on employing foreigners in Poland are stipulated in the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws of 2018, item 1265 as amended) and implementing regulations.

Documents permitting to enter a Polish labour market

- **work permit** (type A, B, C, D and E) — is applied for by the employer to the competent voivode. It authorizes to work for up to 3 years (for the B type permit, if the foreigner fulfills a function in the legal entity employing more than 25 people, it can be issued for up to 5 years);
- **seasonal work permit** (type S) — is applied for by the employer to the competent starost (Poviat Labour Office). It authorizes to work in subclasses considered seasonal (in agriculture, horticulture, tourist industry), up to 9 months in a calendar year;
- **declaration on entrusting work to a foreigner** — submitted by the employer to the Poviat Labour Office for the nationals of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine. It authorizes to do non-seasonal work without a permit for 6 months during consecutive 12 months;
- **temporary residence and work permit** — is applied for by the foreigner who stays in Poland legally to the voivode competent based on the foreigner's stay. It authorizes both to work and to reside.

Residence permits

For a foreigner to work in Poland legally based on the permit or the declaration, they need to hold a residence title entitling them also to work in Poland. **This residence title is applied for by the foreigner.** Foreigners holding work permits (or exempted from the requirement to hold a work permit) are entitled to work in Poland, if they stay in Poland:

- Based on a visa in Poland, except for a visa granted for the purpose mentioned in Article 60 section 1 item 1, 22 or 23 — the Act of 12 December 2013 on Foreigners (Journal of Laws of 2018 items 2094, 2399) (tourist purpose, temporary protection, due to humanitarian reasons),
- Based on 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) (i.e. they applied for the temporary or permanent residence permit) 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 were entitled to work in Poland directly before submitting the application,

- Based on a temporary residence permit, except for a permit granted in connection with the circumstance mentioned in Article 181 section 1 — Act of 12 December 2013 on Foreigners (Journal of Laws of 2018 items 2094, 2399) (the temporary residence permit because of circumstances requiring a short-term residence of the foreigner),
- Based on a visa issued by another Schengen Area state,
- Based on a residence document issued by another Schengen Area state,
- within a non-visa traffic.

Illegal work or **illegal residence** in Poland leads to serious consequences, including a fine or expulsion from Poland. The expulsion decision entails entering in the register of foreigners whose residence in Poland is undesirable and in Schengen Information System to refuse entry, and also the inability to enter the Schengen Area again.

Where to find help?

Free advice and information on the labour law and legal employment (also in Ukrainian) are provided by the **National Labour Inspectorate**.
It investigates also employees' complaints concerning the employers' failure to follow the provisions of the labour law, OH&S and illegal employment. Addresses and phone numbers of regional Labour Inspectorates (in every voivodeship capital) and local branches (in other larger cities) can be found at www.pip.gov.pl.

Other useful addresses:
Office for Foreigners
Border Guard

Załączniki

Working in Poland - information for foreigners.pdf (pdf, 783 KB)