

# Information for those returning to Poland

Data publikacji: 29.09.2019 Data modyfikacji: 02.10.2019 Departament Rynku Pracy MRPiPS

---

A person returning from work abroad in an EU/EEA state ***is entitled to transfer the unemployment benefit within the right to the benefit granted to them in the country of their most recent employment.*** For that purpose, before leaving the country of their most recent employment, they should apply for the unemployment benefit and, having acquired the right to the benefit, apply for a U2 document which entitles to collect a benefit granted abroad in Poland.

Benefit transfer opportunity applies to people meeting the following conditions:

- the unemployed person must look for a job in another member state,
- the interested person must be eligible to receive unemployment allowances,
- the interested person cannot be a student,
- the unemployed person must be registered in the Labour Office for at least 4 weeks (the office may shorten the said period especially when the unemployed person leaves with the whole family),
- before leaving, the unemployed person must submit a relevant application in the relevant labour office of the foreign institution and take a U2 document with them. The application for the U2 document should contain a complete address of residence in the state where the person is looking for a job, with a post code (this must not be a poste restante address or the address of a hostel or camp site),
- the unemployed person must undergo a verification procedure in a Poviats Labour Office in Poland, competent for their place of abode, e.g. they must prove to a competent institution that they are looking for a job actively, they must visit the said institution on every request etc.

The transferred benefit is granted for three months (it must be extended to 6 months) in the amount determined by the labour office granting the benefit in EU/EEA states and Switzerland. To extend the benefit transfer, it is necessary to submit an application to a foreign office within 3 months. The period which the right to the benefit transfer is granted for cannot exceed the period which the benefit was granted for.

The person transferring their benefit from abroad (EU/EEA states and Switzerland) must register in the Poviats Labour Office competent for their place of abode in Poland as a jobseeker within 7 days after leaving the state of their most recent employment and submit a U2 document to the Voivodeship Labour Office to confirm their registration in the state of their most recent employment.

Before the transfer period expires, the person is entitled to return to the state of their most recent employment and continue collecting the benefit there unless they used the entire benefit period during the transfer.

**The person who acquired the right to the unemployment benefit in Poland and would like to transfer the granted benefit to the country where they look for a job (EU/EEA states and Switzerland) should apply to the Voivodeship Labour Office for issuing a PDU2 document.**

If the unemployed person decides to leave Poland to look for a job in another member state, they should:

1. report their intention to leave to the relevant Poviats Labour Office and apply for a U2 document one month in advance to the Voivodeship Labour Office competent for their place of abode,
2. remember the failure to report the exit may result in losing the right to the benefit in Poland and, all the same, the person will not be entitled to a benefit when looking for a job in member states,
3. remember the absence of an appropriate document will prevent the award and payment of the benefit or delay the award,

4. remember there is only a 7-day period for transfer from one state to another (the said deadline is considered met if the interested person visits the competent institution in the state they come to on 7<sup>th</sup> day). The failure to meet the deadline will result in losing the right to the benefit.
5. visit the competent Labour Office within three (six) months to restart the benefit payment for the complementary period.

Remember the benefit can be transferred only once between two periods of employment.

If a given person did not apply for the benefit transfer, they can apply for ***the right to the unemployment benefit in Poland, with the inclusion of the period of employment abroad***. Remember to apply for a U1 document confirming the periods of insurance and employment abroad before leaving for Poland. In the absence of the said document, the Voivodeship Labour Office will apply for the confirmation of employment periods abroad based on the documents submitted by the person with the application for the unemployment benefit.

Remember that under Article 61 of the Regulation of the EUROPEAN PARLIAMENT AND OF THE COUNCIL (EC) no. 883/2004 the unemployed person applying for unemployment allowances is entitled to have the periods of insurance, employment and self-employment in other member states of the European Union, other states of the European Economic Area or Switzerland included, in the required scope, **provided they meet the last period of insurance in the state where they apply for the unemployment benefit**.

An exception to this rule is introduced by Article 65 section 5 item a) of the said Regulation, reading the unemployed person who, in the period of their most recent employment or self-employment, resided in a different member state than the state of work and remains at the disposal of the labour office of the state of their abode, benefits from the allowances pursuant to the legislation of the said state of abode as if their most recent period of work took place in that state. For that purpose, the person is obliged to submit a statement to the Voivodeship Labour Office based on the statement in Article 11 to support the determination of their place of abode in the period of employment. If it is determined based on the said statement the place of abode in the period of employment abroad was Poland, the allowance will be payable provided the provisions of the Act on Employment Promotion and Labour Market Institutions, concerning the acquisition of the right to the benefit, are fulfilled.

For that purpose, having registered as an unemployed person in the Poviast Labour Office in Poland, the person may apply to the Voivodeship Labour Office for granting the right to the unemployment benefit with the inclusion of the period of employment abroad (EU/EEA states and Switzerland).

## What does coordination consist in?

Regulations on the coordination of social security systems do not provide for replacing national systems by a single European system. All states are free to decide who is to be covered by the insurance based on their legislation, what allowances are granted and based on what terms and conditions. Common EU regulations are to protect your rights related to social security abroad (EU-28 states, Iceland, Liechtenstein, Norway and Switzerland).

Starting from 1 May 2010, new regulations on the coordination of social security systems apply ( [Regulations 883/2004 and 987/2009](#) ).

## EU regulations on the coordination of social security systems related to unemployment allowances

Coordination of the social security system concerning unemployment allowances is governed in Articles 61–65, Chapter 6 of the Regulation of the EUROPEAN PARLIAMENT AND OF THE COUNCIL (EC) no. 883 /2004 of 29 April 2004 on the coordination of social security systems.

Implementing provisions can be found in Articles 54–57, Chapter 5 of the REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EC) No. 987/2009 of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

## **Polish regulations on the coordination of social security systems related to unemployment allowances**

Pursuant to Article 8 section 8 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (uniform text: Journal of Laws of 2015, item 149 as amended), the activities of the voivodeship local government include implementation of tasks resulting from the coordination of social security systems of EU/EEA states and Switzerland including under the amendment to the Act on Employment Promotion and Labour Market Institutions of 2014 to states with which Poland executed bilateral international agreements on social security with respect to unemployment allowances (i.e. the Ukraine and the Republic of Macedonia).

The Voivodeship Labour Office plays the role of an institution competent for receiving and investigating the applications of the unemployed for issuing documents related to the unemployment allowances.

It issues U1 documents

— the ones confirming the period of insurance and employment in Poland to be presented in another EU/EEA state or Switzerland and to apply for an unemployment benefit there considering the said periods

It issues U2 documents

— the ones authorising to transfer the unemployment benefit received in Poland to the EU/EEA state or Switzerland to apply for the unemployment benefit in Poland.

It issues decisions on the right to the unemployment benefit if the period of employment abroad (in EU /EEA states and Switzerland) affects the acquisition, value or period of the benefit collection.