Employing third country nationals in Poland

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Employing foreigners in Poland is governed first and foremost by the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions, the Act of 12 December 2013 of Foreigners and implementing regulations.

A foreigner can be entrusted work in Poland provided they obtain a **work permit** and they stay in Poland legally. The work permit is applied for by an employer to a competent voivode, and if this is an S-type permit (i.e. a seasonal work permit) to a competent starost (Poviat Labour Office). With respect to a temporary residence and work permit, the foreigner staying in Poland legally applies to a competent voivode.

Permits to work in Poland are not required e.g. for family members of EU/EEA/Switzerland nationals, foreigners granted protection in Poland (e.g. a refugee status, tolerated stay), people holding a Polish Card, foreign language teachers in education system institutions, graduates of Polish upper-secondary schools and full-time university courses as well as students and PhD students during their studies in Poland.

An important exception to the rule that a work permit is a prerequisite for legal work performance by a foreigner covers nationals of **6 states: Armenia, Belarus, Georgia, Moldova, Russia and Ukraine,** working for **6 months during 12 consecutive months**, covered by the declarations on entrusting work entered in the register of declarations by the Poviat Labour Office (or declarations of the intention to entrust work to a foreigner registered before 1 January 2018).

IMPORTANT INFORMATION: For a foreigner to work in Poland legally based on the work permit or the declaration, they need to hold a residence title entitling them also to work in Poland. Such a 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, except for a visa granted for the purpose mentioned in Article 60 section 1 item 1, 22 or 23 of the Act of 12 December 2013 on Foreigners (tourist purpose, temporary protection, due to humanitarian reasons),
- based on Article 108 section 1 item 2 or Article 206 section 1 item 2 of the Act of 12 December 2013 on Foreigners (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 of the Act of 12 December 2013 on Foreigners (temporary residence permit because of circumstances requiring a short-term residence of the foreigner), or
- based on a visa issued by another Schengen Area state, or
- based on a residence document issued by another Schengen Area state, or
- within a non-visa traffic.