Work permits

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Information on when a work permit is not required for a foreigner to work can be found on Working without a permit
page
Work permits are issued by voivodes on the employer's request (an exception is an S-type permit for seasonal work issued by a starost). The work permit specifies the employer, position or type of work done by the foreigner (this does not refer to an S-type permit), minimum remuneration which can be received by a foreigner on a given position, working hours and permit validity period. The application for a permit is submitted in a form, with specified documents enclosed (for document forms see here).

For a foreigner to work in Poland legally based on the work permit, they **need to hold a residence title which may entitle them to work in Poland. Such a residence title is applied for by the foreigner**. **For more information see Employing third country nationals in Poland.**

There are six types of work permits (A, B, C, D, E and S). Procedures and criteria of issuing permits differ depending on the permit type.

A work permit cannot be issued if the entity entrusting work has not met the requirements for granting a work permit or was penalised for specific crimes or offences. The work permit cannot be issued also if the foreigner does not meet specific requirements, if they were punished for specific crimes or if their personal data were entered in the register of foreigners whose residence in Poland is undesirable.

The body can also refuse the permit if the circumstances indicate the applicant does not intend to entrust work to a foreigner or the foreigner does not intend to work, or the applicant does not meet their obligations connected with running their business activity or entrusting work (e.g. they do not have funds to cover their liabilities resulting from entrusting work, does not run any business activity being grounds for entrusting work, is in arrears with paying contributions, e.g. a social insurance one, or delays tax payments).

If the decision is negative, the entity can appeal to the second instance body, i.e. a minister competent for labour affairs.

PERMITS ISSUED BY THE VOIVODE (TYPE A, B, C, D, E)

For the A-type permit:
Type A — refers to a foreigner doing work under an agreement with the entity whose seat is located in Poland.

As a rule, the employer must obtain the starost's information on the local labour market confirming the inability to satisfy their personnel needs based on the registers of the unemployed and jobseekers (the so-called labour market test). To do it, they should submit their job offer to the Labour Office. The offer should not contain requirements higher than those required usually for a given position (e.g. a foreign language when this is not necessary for a given position). If there are no registered unemployed holding relevant qualifications, the Poviat Labour Office issues relevant information within 14 days after the offer is submitted. When any unemployed or jobseekers who may be interested are found, the Poviat Labour Office organises recruitment from among them and the information on the ability to fill the vacancy is issued within three weeks. The information from the Poviat Labour Office contains opinion on the comparability of the proposed remuneration with the level of remuneration on the local labour market.

Irrespective of the labour market situation, a foreign employee must receive remuneration not lower than the remunerations of local employees on a comparable position.

Type A permit is issued for up to 3 years, but the period can be shortened based on the criteria stipulated in local regulations, e.g. in the so-called voivodeship criteria issued by the voivode.

In some circumstances it is not required to obtain the said information of the starost. This refers e.g. to:

- positions or jobs named in the so-called voivodeship criteria issued by the voivode,
- nationals of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine, doing nursing and caring works or working as a domestic staff,
- extending the work permit for the same foreigner on the same position,
- the nationals of the above 6 states who used to work based on the declaration of entrusting work under the contract of employment for at least 3 months and the entity entrusting work to them wants to continue cooperation (also under the contract of employment),
- coaches or sportspeople doing work for a sports club.

For the B-type permit:
Type B — refers to a foreigner doing work consisting in having a function in the Management Board of a legal entity entered in the Register of Entrepreneurs

To employ a foreigner as a Management Board member, the applicant must prove, using appropriate documents, they earn relevant income (the annual income should exceed 12 times the average monthly remuneration) and they create workplaces (employ at least two people not requiring a work permit for at least one year). If they do not fulfill the said requirements, they should prove they hold the funds or carry out the activities enabling to fulfill them in the future, especially by running the activity contributing to the growth of the investment, technology transfer, introduction of beneficial innovations or workplace creation.

Type B permit is issued for a standard term (up to 3 years), but the Management Board members in companies employing more than 25 people can apply for a permit for up to 5 years.
For the C, D and E-type permits:
Type C — refers to a foreigner doing work for a foreign employer, delegated to Poland to a branch or plant of a foreign entity or an entity affiliated with that foreign employer for more than 30 days in a calendar year;

Type D — refers to a foreigner doing work for a foreign employer, not having a branch, a plant or another organised activity form in Poland, delegated to Poland to provide a temporary and occasional service (export service)

Type E — refers to a foreigner doing work for a foreign employer, delegated to Poland for more than 30 days during 6 consecutive months for a purpose different than the one indicated in B, C and D-type permits

Delegated employees must be ensured employment conditions not inferior to the ones stipulated in the Polish labour legislation with respect to working time, overtime, minimum remuneration, OH&S, parental rights etc.

What is more, third party nationals delegated to Poland should receive remuneration amounting at least to 70% of the average remuneration in the region they are to work.

The foreign employer is obliged to appoint a representative in Poland who collects basic documents related to employment, enabling to verify if the said conditions were fulfilled (working time records,

agreements, proofs of payment etc.).

For export services (type B), the employer must provide detailed information on the agreement.

Documents for the procedure of issuing work permits (in Polish) **:**

1. Application for a work permit for a foreigner in Poland
2. Work permit for a foreigner in Poland
3. Application for a work permit extension for a foreigner in Poland
4. Work permit extension for a foreigner in Poland
5. Statement of the entity entrusting work to a foreigner concerning the circumstances mentioned in Article 88j section 1 items 3–7 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions, i.e. a criminal record statement made under penal liability
6. Starost's information on the ability to satisfy personnel needs of the entity entrusting work to a foreigner, covering Polish nationals and foreigners, stipulated in Article 87 section 1 item 1–11 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions, registered as the unemployed and jobseekers