

Act on the Conditions of Admissibility of Entrusting Work to Foreigners on the Territory of Poland

Art. 3.1. Free access to the labor market is granted to a foreigner who:

1. is a family member (...) of a citizen of a Member State of the European Union or a Member State of the European Free Trade Association (EFTA)
2. is a family member (...), of a Polish citizen residing with him or her on the territory of the Republic of Poland;
3. is a citizen of the Swiss Confederation with the right of residence in the territory of the Republic of Poland or a member of his family;
4. has the right of permanent residence in Poland (for EU citizens);
5. has a permanent residence permit in Poland;
6. has a residence permit for a long-term resident of the European Union in Poland;
7. has refugee status granted in Poland;
8. has subsidiary protection in Poland;
9. has a residence permit for humanitarian reasons in Poland;
10. has a permit for a tolerated stay in the Republic of Poland;
11. has temporary protection in Poland;
12. has a valid certificate issued concerning the granted protection to foreigners on the territory of Poland;
13. has a temporary residence permit in Poland granted in connection with the circumstances referred to in Article 144, Article 151(1), Article 151b(1), Article 158(2)(1) or (2), Article 161(2), Article 176 or Article 186(1) (3), (4), and (7)-(9) of the Act of 12 December 2013 on Foreigners, or has a national visa for the purpose of scientific research or development;
14. he/she is a spouse of a Polish citizen, holding a temporary residence permit on the territory of Poland granted in connection with the marriage;

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15. is a descendant of a Polish citizen, holding a temporary residence permit on the territory of Poland, up to 21 years of age;

16. he/she has a temporary residence permit on the territory of Poland granted on the basis of being a spouse of a permanent residency holder;

17. resides on the territory of Poland after submission of an application for a long-term resident permit of the European Union, if immediately before submitting the application he/she met the conditions, referred to in points 13 to 16.

A short description of some of the articles:

- Article 144 – full-time studies,

- Article 151(1) – scientific research,

- Article 151b(1) – long-term mobility of a scientist,

- Article 158(2)(1) or (2) – spouse or a child of a Polish citizen or divorcee* or a widow/er* of a Polish citizen,

- Article 161(2) - divorcee*, widow/er* or a minor child* of a deceased foreigner,

- Article 176 - victim of a human trafficking,

- Article 186(1)(3), (4), and (7)-(9)

- EU long term residency granted in another country holder with a reason to be in Poland, or his/her family member, or looking for a job after finished scientific research, British citizen working before Brexit in Poland

FREE ACCESS TO THE LABOUR MARKET means:

- you can work and/or - you can run a business without additional permissions. Now about permission to work only.....

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Art. 3.2. A foreigner may perform work:

1. as part of the temporary residence permit referred to in:

- Article 114(1) or (1a) – employment in a company registered in

Poland,

- Article 126 – board member of a company registered in Poland,

- Article 127 – Blue Card,

- Article 139a(1) or 139o(1) – short/long-term mobility within

the company,

- Article 142(3) – board member of your own company,

of the Act on Foreigners

2. as part of the short-term mobility of an EU Blue Card holder to pursue a professional activity;

3. in the framework of the short-term mobility of a manager, professional or trainee, as part of an intracorporate transfer;

4. short-term mobility of researchers;

5. as part of the use of student mobility;

Art. 3.2. A foreigner may perform work:

6. during his/her stay on the territory of the Republic of Poland after submitting new application for temporary residence permit if immediately before submitting the application for another temporary residence permit, he/she resided on this territory based on this permit and continues to work, to which he/she was entitled under it.

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Art. 3.3. A foreigner may perform work in accordance with a work permit or a statement on entrusting work to a foreigner entered in the register of declarations, if he/she has such a permit or statement and is entitled to stay on the territory of the Republic of Poland:

1. on the basis of a visa issued for one of the following purposes: participation in sports events; conducting business activity; performing work; conducting cultural activities or participating in conferences; performing official tasks by representatives of a foreign state body or an international organisation; studies; vocational training; didactic;TBC

Art. 3.3. A foreigner may perform work in accordance with a work permit (...):

1. on the basis of a visa issued for one of the following purposes:conducting scientific research or development work; joining a citizen of another European Union Member State; joining a citizen of the United Kingdom of Great Britain and Northern Ireland; participating in a cultural or educational exchange programme, a humanitarian aid programme or a summer work programme; arriving in the territory of Poland as a member of the immediate family of a repatriate; arriving in the territory of Poland as a member of the immediate family of a person residing in Poland on the basis of a permanent residence permit obtained on the basis of the Pole's Card; using the rights resulting from the possession of the Pole's Card; repatriation; arrival for humanitarian reasons, due to the interest of the state or international obligations; exercising a temporary residence permit for the purpose of family reunification; exercising a temporary residence permit for the purpose of performing work as part of an intra-corporate transfer.

2. on the basis of a document specifying the status of a family member of a member of a diplomatic mission or consular office of a foreign country or another person equivalent to him, remaining in a household with that person, if an agreement or agreement has been concluded between the Republic of Poland and a foreign country or an international organization,

3. on the basis of a residence permit issued by another Schengen country,

4. under visa-free travel, unless he is a citizen of a country included in the list of countries excluded from this right.

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Art. 3.5. A foreigner who is entitled to stay on the territory of the Republic of Poland on the basis referred to in art. 3 or under visa-free travel may perform work without a work permit or a declaration on entrusting work to a foreigner, if:

1. has a valid Pole's Card;
2. is a graduate of a post-primary school and has documents confirming professional qualifications obtained in Poland;
3. is a graduate of full-time or part-time studies in Poland;
4. holds a doctoral degree awarded by a doctoral institution operating in the system of Polish higher education and science;
5. is a doctoral student at a doctoral school run by an entity with its registered office in Poland

Few other important things:

- Potential employer SHOULD ask for a valid legal title allowing you to stay in Poland

BEFORE you start work - Employment contract MUST be:

- WRITTEN - in the LANGUAGE you understand (plus in Polish)

- signed BEFORE you start working