



Labour migration policies

Case study series

Poland

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This case study is part of a series of summaries by PICUM of specific national labour migration and work permit policies. While each case study focuses on a particular country, they are not comprehensive overviews of all the work permits available in the country. We focus on analysing the particular policies and pathways that are the most relevant across skills and sectors of employment.

This case study examines the following aspects of labour migration policy in Poland¹ as of November 2022:

- 1. The Single Permit**
- 2. The Declaration of Entrusting Work to a Migrant Worker**
- 3. Complementary labour market policies**

We also consider, in particular, where policies include some of the essential characteristics of successful labour migration and work permit policies, as set out in PICUM's [Policy recommendations, Designing labour migration policies to promote decent work](#).²

After describing key aspects related to eligibility, the application process and permit granted under each pathway and the complementary labour market policies, we include a table comparing these aspects to our policy recommendations and related indicators.

¹ For a comprehensive overview of the work permits in Poland, please see: Migrant Info Poland, [Work in Poland](#).

² For the full report, please see PICUM, 2021, [Designing labour migration policies to promote decent work](#).

The Single Permit³

In Poland, the Single Permit (single residence and work permit) is not limited to certain jobs or restricted to certain nationalities. People from non-EEA countries who intend to continue or start working in the country can apply for this permit.⁴

In order to be eligible to apply, workers need to have a work contract. Employers need to conduct a labour market test before offering a job to a non-EU citizen, although there are exceptions to this rule.⁵ This entails first advertising the position with the public employment office for 2 or 3 weeks.⁶

The conditions to apply for a Single Permit have been simplified⁷ after new legislative changes came into effect on 29 January 2022.⁸ The other main condition is that the job will pay at least the monthly minimum wage, which as of 2022⁹ is PLN 3010 gross (around 665€).¹⁰ Applicants no longer need to provide proof of accommodation or health insurance. It suffices that workers would have access to public health insurance once their work contract starts.¹¹

Application process

The Polish government only reviews applications from people regularly residing in Poland and submitted in person in Polish territory (for example an application from a worker with a previous work or residence permit in the country). Therefore, people who are in Poland on a tourist visa or visiting family/friends cannot apply for the Single Permit.¹²

The application is submitted by the worker, who covers the costs of the permit, [PLN 440](#) (around 90,5€). The employer needs to fill in an appendix to be submitted with the application. The application form has translations in the various required fields from Polish to English, French and Russian but the application needs to be submitted in Polish.

3 Art. 114-126 of the Law on Foreign Nationals. Journal of Laws, 2021, Art. 114-126 of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#). In line with the Directive [2011/98/EU](#) of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

4 Portal of Foreigners, [Uniform Permission for Temporary Residence and Work](#).

5 For example when the worker held a work permit or a temporary residence permit and worked for the same employer at the same position before applying. For the complete list of exemptions, please see Art. 114 section 1 item 3 of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#).

6 The period of time will vary depending on whether it is possible to organise a recruitment process among the unemployed people who are registered. Art. 125 of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#).

7 Art 114 section 1a and 1b, section 2 of the Law on Foreign Nationals. Journal of Laws, 2022, [ITEM 91, as amended](#). [Previously, job applicants needed to provide proof of health insurance, sufficient income to provide for themselves and dependent family members, and some accommodation in Poland.](#)

8 Journal of Laws, of 17 December 2021 on amending the Act on foreigners and certain other acts. Journal of Laws, 2022, [ITEM 2354, as amended](#).

9 For the first half of 2023, the minimum wage will increase to PLN 3490 (about 738€) and will be PLN 3600 (about 761€) for the second half of the year. Chancellery of the Prime Minister, [Regulation on the amount of the minimum remuneration for work and the amount of the minimum hourly rate in 2023](#).

10 Office for Foreigners, January 2022, [Changes in the Act on Foreigners](#).

11 Article 66 section 1 of the Act of 27 August 2004 on health care services financed from public funds. Journal of Laws, 2004, [2135 as amended](#).

12 Migrant Info Poland, [Residence and Work Permit](#).

Workers need to include in the application the work contract which specifies the work conditions, including the length of the contract, the entity to

work for (or depending on the case, the employer), the job position and the salary.¹³

Permit granted

The Single Permit is issued for the length of the work contract and can be up to three years. It can only be extended as long as it does not go beyond the three-year period. After this time, people can apply for another Single Permit.

This pathway allows workers to work part-time and/or for different employers. In such cases, they still need to meet the requirement of earning the monthly minimum wage in the hours they work and/or combining the wages from all the employers.¹⁴

Under this scheme, workers in Poland have significant difficulties to change employer; they have to go through a whole new Single Permit application procedure. In practice, this can even be the case when the worker changes employment with the same employer. The processing time for the new application can last between 2 and 18 months and, even though people are considered to be regularly residing while their application is pending, they cannot work (except for the initial employer). There is a lack of information and communication throughout the waiting time of this lengthy procedure; workers are not notified of the timeframe for a decision or updates in their application process, including when there are missing documents.

Single Permit holders who lose their job need to notify the competent authority (voivode) within 15 working days.¹⁵ After losing their job, people have only 30 days to find another employer and apply for another Single Permit within the validity of the permit. This is also the case if the Single Permit mentioned more than one employer; a new permit is needed if one of the jobs is lost.

In order to have access to unemployment benefits as well as support and guidance to find a new job, people need to have worked for at least six months. It is possible to apply for family reunification based on the Single Permit in Poland.

13 Art. 118 of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#).

14 Art. 114 section 4b of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#).

15 Art. 121 of the Law on Foreign Nationals. Journal of Laws, 2021, [ITEM 2354, as amended](#).

Analysis of the Single Permit in Poland compared to PICUM's key recommendations and indicators¹⁶

Policy recommendations	Indicators	Single Permit
1. Streamlined and efficient procedures		
Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.	1.1 Number of steps in application procedure	This is met to some extent. The administration requirements have been simplified and are reasonable. However, workers cannot apply from outside Poland and fees can represent a barrier for applicants considering the level of the minimum wage in the country. In addition, the waiting time for a new permit can go up to 18 months, and people are not allowed to work while their application is pending. During the waiting period, workers are not notified with updates of their application.
Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.	1.2 Accessibility of information about procedures and applicable rules	This falls short. Some information is available online, but the system is complicated and at the time of writing, some of the legislative changes introduced in January 2022 had not been updated in some of the government websites. The application and its instructions are available in different languages.
Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.	1.3 Eligibility/non-eligibility requirements to access a permit with a job offer	This is met to some extent as it is possible to apply for any job in any sector. However, the labour market test represents an additional administrative burden.
If some level of preferential access is to be provided to resident workers, the mechanism should ensure resident workers are able to apply for the job, but not prevent employers from selecting their preferred candidate through recruitment procedures.		

16 For the complete list of policy recommendations and suggested indicators, please see PICUM 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).

Policy recommendations	Indicators	Single Permit
Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.	1.4 Length of permit	This is met as the length of the permit can be up to 3 years.
Permits should be renewable, without requiring workers to leave the country.	1.5 In-country renewals	This is met to some extent. This permit can be renewed, but only up to three years.
In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.	1.6 In-country applications including when undocumented	This is met to some extent. It is only possible to apply from within Poland when having a residence permit or a valid visa, but people who entered the country on a tourist visa or are visiting family cannot apply. Undocumented people are excluded from applying.
2. Autonomy for workers		
Worker-owned procedures: Workers should be able to apply for permits themselves.	2.1 Ownership of application process/ worker or employer-made application	This is largely met as the worker submits the application and the employer completes an appendix.
Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.	2.2 Procedure to change employer	This is not met. Workers cannot change employer within the same permit. When an initial permit had more than one employer, a new permit is also needed if one of the jobs is lost.
	2.3 Procedure to change type of job	
	2.4 Procedure to change sector	
	2.5 Possibility to work for more than one employer	This is met. Workers can work for several employers as long as they earn minimum wage when combining the wages from all employers.

Policy recommendations	Indicators	Single Permit
Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.	2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired	This is not met. Workers only have 30 days to find a new job, within the validity of the permit. If they find a new job within this time, workers need to apply for a new permit.
Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.	2.8 Available financial and practical support while unemployed	This is met. People under this permit can access unemployment benefits if they have worked for at least 6 months.
3. Equality and family unity		
Non-discrimination: Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. ¹⁷	3.1 Restrictions in access to permits on prohibited grounds	This is met in that this pathway is not restricted to any nationality.
Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted.	3.5 Possibilities to and restrictions on access to permits for family members	This is met in that family reunification is possible on the basis of this pathway.

17 For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

Declaration of entrusting work to a migrant worker¹⁸

In Poland, employers can offer any job¹⁹ to citizens from Armenia, Belarus, Georgia, Moldova and Ukraine by “declaring” their intention of employment.²⁰ Until 28 October 2022, this system was also applicable to Russian citizens.²¹ The only [other] criteria related to the job, is that workers are paid the same amount as people doing a comparable job or holding a similar position.

In order to qualify, citizens from these countries need to hold a visa or another valid document, like a residence permit. Usually, people working under this declaration have a long-term work visa. Workers with a different residence permit, e.g. a Single Permit, can also work under this declaration, but it is less common.

Workers do not receive a work permit as a result of this declaration, and their employment does not require the approval of any governmental body, though it does need to be registered. Employers need to register the declaration with the District Employment Office before the worker starts, which in most cases takes seven days. No labour market test is conducted.

In January 2022, the Polish government²² extended the time period to work under this scheme from 6 months in a 12-month period to 24 months. After these two years, workers can register another declaration or apply for a work permit in Poland and no labour test will be conducted.

To change employer, the new employer should register a new declaration of entrusting work to a migrant worker to the authorities.

All workers with a long-term visa or a residence permit under this declaration may be eligible to access unemployment benefits after six months.²³

Family reunification is not possible on the basis of this Declaration if the person holds a visa, but it is possible for people with a residence permit.

18 Art. 87 section 3 and Article 88 section 2 item 3 of the Act of 20 April 2004 on employment promotion and labour market institutions. Journal of Laws No 99, [ITEM 1001 as amended](#).

19 Except some work considered seasonal.

20 Even though Ukraine is still part of this list, since the Russian invasion of Ukraine, Ukrainians in Poland can access the labour market without work permits, and employers do not need to register this declaration. Employers do need to notify the relevant authorities within 14 days of the start of the work. [Office for Foreigners, Proceedings on granting a temporary residence and work permit for Ukrainian citizens conducted in a special manner from January 29, 2022](#).

21 Since 28 October 2022, in response to the Russian invasion of Ukraine in February 2022, Russians citizens are excluded from working under this declaration. Russian citizens who were working under this pathway or whose registration was being processed can still work in Poland. Regulation of the Minister of Family and Social Policy of October 25, 2022, amending the regulation on countries to which citizens apply certain provisions on seasonal work permits and provisions on the declaration of entrusting work to a foreigner. Journal of Laws, [ITEM 2204 as amended](#).

22 Ministry of Family and Social Policy, 17 November 2021, [Changes in the Act on Foreigners](#); Journal of Laws, of 17 December 2021

on amending the Act on foreigners and certain other acts, 2022, [ITEM 91](#).

23 Migrant Info Poland, [Unemployment](#).

Analysis of the Declaration of Entrusting Work to a Migrant Worker in Poland compared to PICUM's key recommendations and indicators²⁴

Amendments to the legislation changed the conditions of this pathway in January 2022.²⁵ While it is too early to evaluate the impacts of these changes

in practice, the following overview is based on the legal framework itself.

Policy recommendations	Indicators	Declaration of Entrusting Work to a Migrant Worker
1. Streamlined and efficient procedures		
Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.	1.1 Number of steps in application procedure	This is met. There is no application procedure; the employer [only] needs to register a declaration of intent to hire a worker from Armenia, Belarus, Georgia, Moldova or Ukraine. There are no fees for this pathway and the procedure to declare and register the employment is simple.
Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors. If some level of preferential access is to be provided to resident workers, the mechanism should ensure resident workers are able to apply for the job, but not prevent employers from selecting their preferred candidate through recruitment procedures.	1.3 Eligibility/non-eligibility requirements to access a permit with a job offer	This is met in that access to the labour market is not restricted under this pathway.
Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.	1.4 Length of permit	This is met as people can work under this declaration for two years.

²⁴ For the complete list of policy recommendations and suggested indicators, please see PICUM 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).

²⁵ Ministry of Family and Social Policy, 17 November 2021, [Changes in the Act on Foreigners](#); Journal of Laws, of 17 December 2021 on amending the Act on foreigners and certain other acts, [ITEM 91](#).

Policy recommendations	Indicators	Declaration of Entrusting Work to a Migrant Worker
Permits should be renewable, without requiring workers to leave the country.	1.5 In-country renewals	This is met. People under this scheme can register another declaration after the initial two years.
In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.	1.6 In-country applications including when undocumented	This is met to some extent. This pathway is intended for people already in Poland, but workers cannot be undocumented and need to hold a valid visa or have a residence permit when applying.
2. Autonomy for workers		
Worker-owned procedures: Workers should be able to apply for permits themselves.	2.1 Ownership of application process/ worker or employer-made application	This is not met. This pathway does not include an application but it is the employer who declares the intention of employment and registers the declaration.
Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.	2.2 Procedure to change employer	This is met in that in order to change employer, type of job or sector, the new employer has only to register a new declaration with the relevant authorities.
	2.3 Procedure to change type of job	
	2.4 Procedure to change sector	
Independence from employers: Financial and practical support should be accessible during this time, at least on the same terms as nationals.	2.8 Available financial and practical support while unemployed	This is met to some extent as it will depend on the kind of visa workers have. For example, workers on a long-term visa or residence permit can access unemployment benefits after 6 months of work.

Policy recommendations	Indicators	Declaration of Entrusting Work to a Migrant Worker
3. Equality and family unity		
Non-discrimination: Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. ²⁶	3.1 Restrictions in access to permits on prohibited grounds	This is not met in that this pathway is only accessible to citizens from some of the Eastern European Partnership countries .
If there is preferential treatment, including for certain nationalities, this should be justifiable in relation to pre-existing disadvantage.	3.2 Justification for preferential treatment, if applicable	

26 For more information, see Fundamental Rights Agency and Council of Europe, 2018, [Handbook on European non-discrimination law, 2018 edition](#).

Complementary labour market policies

In Poland, there are no safeguards to enable migrant workers to exercise their labour rights. The National Labour Inspectorate ([PIP](#)) and the Border Guard Service ([SG](#)) have an official cooperation agreement. Some inspections, though only a small percentage (less than 4% in 2021), are carried out with the border police or at the request of the border police.²⁷ However, labour inspectors also pass on information about migrant workers that they identify during inspections to the border police. This means that migrant workers whose status is dependent on their employer, or who are undocumented, are at risk of deportation if they file a complaint to the labour inspection or are identified during an inspection.²⁸

The only accompanying measure to promote enforcement of labour rights is the possibility to access a temporary permit linked to civil or criminal legal proceedings against the employer, but there are significant barriers to starting such proceedings, having them pursued, and being considered by the court or prosecution as 'necessary' for the case. Further, workers cannot work on this permit, nor receive any subsistence income, and are unable to convert this permit into another type of permit.

²⁷ State Labour Inspectorate, 2021, [Report on the activities of the State Labour Inspection](#), p. 139-141.

²⁸ Ibid.

Complementary labour market policies compared to PICUM's key recommendations and indicators²⁹

Policy recommendations	Indicator	Complementary labour market policies
4. Complementary labour market policies to enforce labour rights for all		
Justice for all: Labour standards monitoring, complaints and redress mechanisms should be well resourced, independent and confidential. Measures should be developed to protect workers from employer retaliation and immigration enforcement as a result of exercising their rights - and effectively provide access to justice for migrant workers.	4.4 Measures to protect workers from employer retaliation and immigration enforcement following engagement	<p>This is not met. Due to the agreement between the National Labour Inspectorate (PIP) and the Border Guard Service (SG), migrant workers in Poland face risk of deportation if they file a complaint when undocumented and when their residence status is dependent on their employer.</p> <p>For more information see: PICUM, 2020, A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice.</p>

²⁹ For the complete list of policy recommendations and suggested indicators, please see PICUM 2021, [Designing labour migration policies to promote decent work. Policy recommendations](#).





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