

# FAQ - frequently asked questions

Where can I submit the application form for issuance of work permit?

- In the office headquarters
- At Delegation Offices of the Provincial Office of Lower Silesia in Jelenia Góra, Legnica or Wałbrzych
- Send by post to the office headquarters' address

What are the most frequent mistakes made in the forms submitted in order to obtain the permission for work for foreign nationals? What should I pay attention to in order to avoid these mistakes?

The most frequent mistakes made while submitting the form to obtain the permission for work for the foreigners are:

- Failure to mark point 5.3 of the form (point 6.3 of the form to obtain extension of the permit) regarding the criminal record of the foreigner. It is required to mark an appropriate field, one of two;
- Incomplete filling out or total omission of appropriate fields in the appendix regarding lack of criminal record of the entity providing employment (appendix 15.) There are 6 points in the statement but eight answers and that amount of fields should be marked by the employer;
- Undersigning of the above mentioned appendix by the proxy. This statement may be submitted only by the employer;
- Not including the address of the workplace of the foreigner in the form;
- Not including in the form submitted by the natural person of the valid ID card or passport;
- Including only one page copy of the foreigner's passport – copies of all filled out pages are required;
- Including the copy of "information of district head" - the original document is required
- Not presenting the original of Power of Attorney.

Can I work during the waiting time for the consideration of my application form to obtain permission for temporary residence, permanent residence, resident stay?

You can work on condition that you were entitled to work directly before submitting the application form – namely, you had a permission for the temporary residence and work or temporary work permit, and after submitting the application form you will work under conditions determined in the owned permission. If, before submitting the application form, you did not have the right to work in Poland, you will be able to work on condition that you obtain permission to work or declaration of consignment to work.

Can I work in Poland using the residence card obtained in a different country of UE?

Residence card issued by other country belonging to Schengen area entitles you to the stay for touristic purposes in the territory of different member states of the Schengen area (including Poland) during the period no longer than 90 days in every 180 days' period. The residence card itself does not entitle you to undertake employment.

I submitted an application form for the subsequent residence card (the same employer, the same conditions of employment.) In order to work legally in the period of waiting for the decision, should I have the work permit or declaration of consignment to work?

You should not, provided that the application does not contain any formal deficiencies and you have your stay legalized, e.g. a stamp in passport or valid visa.

**CAUTION!** The work must be done for the employer and within the role determined in the decision. Otherwise, the work will be considered as illegal.

I received a decision with regards to granting the uniform permission for temporary residence and work. What should be done with my still valid work permission?

It is not required TO OBTAIN new permissions for work for foreigners if the entity employing them changed the headquarters, address, name or legal form, it was acquired in the whole or part by other entity, or if it was in part or whole transferred to other employer, or in case the civil law agreement was changed into work agreement.

How to obtain an “invitation” for workHow to obtain an “invitation” for work?

“Invitation for work” is most often an incorrect name for permission for work or declaration of consignment to work. The first of them is issued by the voivode and the

latter by district head (district labour office). Since January 2018, district heads (district labour offices) issue permissions for seasonal work.

Obtaining these permissions should be preceded by submitting appropriate forms together with appendices. A foreigner entered Polish territory using visa-free travel. Can I employ such a person?

Yes, on condition that the foreigner has the permission for work or registered declaration of consignment to work.

CAUTION! Stay within the visa-free travel is legal for a 90-day period during 180-day period.

Employer has a permission for work for a foreigner of A type. Can this foreigner be sent to work in other EU countries? Binding rules with regards to foreigners' work and delegated workers work should be investigated for the given country. Who submits the application form to obtain permission for work?

The employer that wishes to employ the foreigner.

Must the foreigner be in Poland in order to obtain permission for work?

No.

Will I obtain a visa based on my permission for work?

Yes, but this is not the decisive factor. The decision is made by consul.

Which employer classification number (PKD) should I insert in the application form?

PKD symbol connected with the work performed by the foreigner indicated by the employer in the Central Registry and Information about Business Activity (CEiDG) and National Court Register (KRS) is required to be inserted in the application form. This concerns both the consigning employer and the user employer.

Can the permission issued for other employer be used by me?

No, unless we deal with situation when the consigning entity was acquired or restructured.

What should I inform the voivode about after obtaining the permission?

The entity consigning work to the foreigner should notify the voivode who issued a permission for work within 7 days in a written form about the following circumstances:

- The foreigner began the work in different character or on different position than stated in the work permission. Employer may consign to the foreigner work of different character or on a different position than one determined in the permission for 30 days in a given calendar year, provided that the requirements to perform certain work are met;
- There was a change in headquarters or address, name or private form of the entity consigning the foreigner the work or acquisition of the workplace or its part by other employer occurred.
- The workplace or its part was transferred onto another employer;
- Foreign employer's representative assigned to represent the employer before the voivode and other entities has changed;
- The foreigner did not start working within 3 months from the initial validity date of the work permission;
- The foreigner ceased to work for the period of time longer than 3 months;
- The foreigner finished the work earlier than 3 months before the expiry date of the work permission.

Should the employer collect the decision personally?

No. Decision can be collected by a representative authorized by the employer. Employer may also request for the decision to be sent to the indicated address.

Must I provide the district head's information in original?

Yes. It is obligatory within the procedure for issuance of work permission to enclose the original district head's information. In case of the procedure for issuance of temporary residence permission a copy-original for insight will suffice.

What kind of agreement can be concluded with a foreigner?

The employer can conclude both employment contract and civil law agreement (e.g. mandate contract or specific-task contract). The contract should be made in a written form.

Do foreigners - students have the right to work in Poland?

Yes. Full-time students, regardless of whether they have or do not have their temporary residence permission or visa, can work on Polish territory without the necessity of obtaining work permission during the validity period of their stay allowance document (visa or card). Students of part-time programmes must have the work permission or registered declaration of work consignment to be able to work in Poland (if they are citizens of Armenia, Belorussia, Georgia, Moldova, Russia or Ukraine) regardless of having the visa or stay permission issued on account of education undertaken in Poland.

What are the consequences of illegal employing foreigner for the employer and of illegal work for the foreigner?

Both consigning illegal work to a foreigner and illegal performing of the work by the foreigner is an offence in light of law. The deed made by any person acting on behalf of the employer may be subject to a fine of 3000 PLN to 5000 PLN, while a foreigner may be charged with a fine of 1000 PLN to 5000 PLN.

---