

PRO HR

IMMIGRATION UPDATE

AUGUST 2025



POLISH PRESIDENT VETOES AMENDMENT TO THE UKRAINIAN SPECIAL ACT

The amendment, submitted by the government to parliament in July, would have extended various forms of assistance and protection enjoyed by Ukrainian citizens in Poland until 4 March 2026. President vetoed it due to concerns regarding the provision of social benefits to Ukrainians. The president maintains that such benefits should only be available to Ukrainian nationals who are employed in Poland.

The relevant provisions of the Ukrainian Special Act are valid until 30 September 2025, meaning that a failure to amend the act before that date may complicate the legal status of these individuals in Poland.

However, the president's decision does not affect all Ukrainian citizens equally, with the risk primarily concerning Ukrainian nationals residing in Poland on the basis of:

- extended visas,
- extended residence cards,
- extended visa-free movement.

For this group, once the provisions of the act expire, they will lose the right to reside and work in Poland. They should therefore promptly apply for a residence permit in order to safeguard their rights.

For anyone holding UKR status and staying in Poland under temporary protection, the failure to extend this status will not significantly affect their right to stay and work. Their residence will remain valid under the EU Council decision on temporary protection, which applies until 4 March 2027. The lawful residence and employment of this group are regulated under EU law.

Similarly, individuals who have already obtained residence documents, such as residence permits, will retain their right to stay and work after 30 September 2025, based on the validity of those documents.

Contrary to widespread opinion, employers will not face the loss of their workforce, nor will foreign nationals be forced to leave Poland.

In response to the president's veto, the government announced immediate legislative action aimed at preparing a new act extending the stay of Ukrainian citizens, as well as drafting legislation to restrict access to social benefits for all foreign nationals residing in Poland.

One possible scenario is that the new act would enter into force retroactively. Nevertheless, we recommend that all eligible individuals submit applications for temporary residence and work permits no later than 30 September 2025.

NEW DEADLINES FOR THE INTRODUCTION OF EES AND ETIAS SYSTEMS

Both these systems are intended to facilitate border crossings for non-EU nationals.

The first system (EES) is scheduled to enter into partial operation in October 2025 and reach full functionality in the first quarter of 2026.

The second system (ETIAS) is expected to be introduced in the last quarter of 2026.

EES will apply to foreigners travelling to the European Union for short stays, i.e. up to 90 days within 180 days, whether on a Schengen visa or under visa-free arrangements. Upon their first entry into the EU after EES comes into force, travellers will be required to register their personal data in the system.

For subsequent journeys, their data will already be stored, enabling faster border checks.

ETIAS, on the other hand, will apply solely to foreigners travelling to the EU without a visa. The system will confirm their right to visa-free entry, subject to the final decision being taken at the border. Authorisation will be valid for three years.

Travellers benefitting from visa-free movement will therefore be required to register in both the EES and ETIAS systems.

These systems will be similar to those already in place in the United States and the United Kingdom.

EMPLOYMENT OF GEORGIAN CITIZENS UNDER NEW RULES

According to a draft regulation concerning countries whose nationals may be subject to the Declaration on the Entrustment of Work (DEW) and certain provisions regarding seasonal work permits, employers will be able to obtain declarations on the entrustment of work only for nationals of the following countries:

- Republic of Armenia,
- Republic of Belarus,
- Republic of Moldova,
- Ukraine.

Georgia has been removed from the list of countries whose nationals may work in Poland on the basis of declarations.

This means that, once the new regulations enter into force, the employment of Georgian citizens in Poland will only be possible on the basis of a work permit (unless exempt, e.g. graduates of Polish higher education institutions).

Employment based on declarations already issued for Georgian citizens will remain lawful until the expiry of those documents. The draft regulation does not provide for the cancellation of previously issued declarations.

This is the second reduction of the list of eligible countries since 2022. Following the outbreak of the war in Ukraine, Russia was removed from the list.

NEW RULES ON EXEMPTIONS FROM WORK PERMIT OR DECLARATION ON THE ENTRUSTMENT OF WORK (DEW) REQUIREMENTS

Polish authorities have published a draft regulation concerning specific cases in which a foreign national may work without a work permit or a declaration on the entrustment of work.

The list includes over 20 categories of exemptions from the obligation to obtain a work permit or declaration. The proposed provisions are largely consistent with the current regulations and do

not introduce significant changes to free access to the labour market.

Under the draft regulation, employers will not be required to obtain a work permit or declaration when employing: full-time students, graduates as defined by the Higher Education and Science Act, or holders of visas issued on humanitarian grounds.

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