

PRO HR

IMMIGRATION UPDATE

JANUARY 2026



WORK ON A NEW REGULATION EXTENDING THE STAY OF UKRAINIAN CITIZENS IN POLAND IS UNDERWAY

A draft act phasing out certain measures introduced under the Act on Assistance to Ukrainian Citizens in Connection with the Armed Conflict in that State and Amending Certain Other Acts, has been adopted by the Sejm and referred to the Senate.

Key changes from an employer's perspective:

- Temporary protection for Ukrainian citizens will be maintained. Ukrainian citizens residing in Poland on the basis of extended residence titles (e.g. visas or visa-free stay) will continue to have the right to stay. The stay of all Ukrainian citizens is to be extended until 4 March 2027.
- Ukrainian citizens residing in Poland under temporary protection will continue to be able to apply for temporary residence and work permits, an EU Blue Card, a permit to conduct business activity, or a permit for family reunification.

- Employers will retain the ability to legalise the employment of Ukrainian citizens on the basis of a notification submitted within seven days from the employment commencing. In the case of Ukrainian citizens not covered by temporary protection, this right will apply for three years from the act entering into force. Under the new provisions, a failure to submit the notification on time will not result in the work being deemed illegal. However, the new rules will introduce the possibility of the employer being penalised for failing to meet the notification obligation.

The draft removes the right of Ukrainian citizens not covered by temporary protection to establish a business. Ukrainian citizens not covered by temporary protection who were already conducting business activity before the entry into force of the new provisions will be able to continue this activity, provided they remain legally resident in Poland. Ukrainian citizens covered by temporary protection will retain the right to establish a business.

The suspension of deadlines for handling matters related to foreigners' residence proceedings will remain in force and is to be extended until 4 March 2027.

We expect the draft act to be adopted in mid-February 2026 and subsequently submitted to the President of the Republic of Poland to be signed.

FOREIGN NATIONALS MUST OBTAIN A TRUSTED PROFILE TO RETAIN THE ABILITY TO SUBMIT RESIDENCE APPLICATIONS

Pursuant to amendments adopted at the end of 2025, a new system for submitting residence applications will soon be introduced in Poland. Under the new rules, applications will be submitted exclusively in electronic form via the MOS 2.0 platform. The solution is to be introduced in the second or third quarter of 2026.

Applications and attachments submitted via MOS 2.0 will have to be signed by the foreign national using a qualified electronic signature or a Trusted Profile signature. A failure to provide the required signatures will mean that the application is not considered to have been properly filed.

In practice, the easiest way to sign documents will be through the foreign national obtaining and using a Trusted Profile.

To obtain a Trusted Profile, a foreign national must have a PESEL number. They must then apply for a Trusted Profile in one of the permitted ways: via a bank or other identity provider, through a video call with an official, or in person at a designated office.

Possessing an electronic signature is a prerequisite for submitting an application via MOS 2.0. The regulations exclude the possibility of submitting an application in any other way. Therefore, the first step to securing the right of stay is to obtain an electronic signature.

NEW RULES ON GRANTING THE PLN 800+ CHILD BENEFIT TO FOREIGN NATIONALS FROM 1 FEBRUARY 2026

The PLN 800+ child benefit for a given month will be available to foreign nationals as long as they were economically active in the preceding month or, if they were not economically active in the preceding month, they were covered by health insurance.

A person is considered economically active if, among other things, they are subject to mandatory pension and disability insurance contributions,

e.g. due to employment or business activity, and the contribution base for these insurances is at least 50% of the minimum wage.

To retain the right to the PLN 800+ benefit after 1 February 2026, foreign nationals will be required to submit a new application to determine their entitlement.

NON-BIOMETRIC PASSPORTS OF RUSSIAN CITIZENS WILL NO LONGER BE RECOGNISED

From 1 April 2026, non-biometric passports will no longer be recognised by Poland.

In practice, this means that non-biometric passports will not be accepted by Polish authorities, e.g. when applying for a residence permit, crossing the border, or for identification purposes.

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After the changes, Russian citizens in Poland will only be able to use biometric passports.

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