

# PRO HR

## IMMIGRATION UPDATE

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MAY 2026

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## FOREIGN NATIONALS FROM CERTAIN COUNTRIES MAY BENEFIT FROM FASTER RESIDENCE PERMIT DECISIONS

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The Polish authorities are planning to amend the regulations on processing temporary residence permit applications.

According to the proposal, a “tacit approval” mechanism will be introduced for citizens of certain highly developed countries who apply for temporary residence permits. This means that if the authority handling the case does not issue a negative decision within a specified timeframe, the application will be considered approved.

For temporary residence proceedings, a 60-day deadline is planned for the authority to respond to the application. Tacit approval will occur after 60 days from the date of submitting the application. If there are any formal deficiencies, the 60-day period will run from the date when the deficiencies are corrected. The total duration of the process, including issuing the decision and printing the residence card, may still take longer, but processing times are expected to be significantly reduced overall.

Tacit approval will not apply if the foreign national’s data appears in the Schengen Information System (SIS) or in the list of foreigners whose stay in Poland is undesirable, or if any security or public order concerns are identified during the information exchange process.

As of now, there is no official list of countries whose citizens will benefit from these measures. However, it is expected that nationals of countries such as the United Kingdom, the United States, Canada, Taiwan, South Korea and Japan will be given preferential treatment. The list will likely correspond to the group of countries whose citizens will be allowed to work without a permit, based solely on employer notification after employment begins, as discussed in a previous newsletter.

The planned adoption date of the amendment is the second quarter of 2026. The new law is expected to enter into force at the end of 2026 or the beginning of 2027.

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## A TOOL FOR VERIFYING THE RIGHT OF RESIDENCE IN THE EU

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A tool has been made available on the “Travel to Europe” website for individuals covered by the EES system to verify their eligibility to enter and stay in the EU.

To obtain information on how long one can stay in an EU country participating in the EES, users must provide the name of the destination country and the type and number of their travel document.

Please note that the Entry/Exit System (EES) applies to foreign nationals traveling to the EU for short stays, i.e. up to 90 days within a 180-day period, whether on a Schengen visa or visa-free.

Upon first entry after the implementation of EES, travellers are registered in the system during border control. This includes the collection of fingerprints and/or a facial image.

The EES does not apply to individuals traveling for long-term stays, such as those holding national visas or residence permits. In such cases, existing rules continue to apply. The EES also does not apply to EU citizens.

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## FULL-TIME FOREIGN STUDENTS AT PRIVATE UNIVERSITIES RETAIN UNRESTRICTED ACCESS TO THE LABOUR MARKET UNTIL 30 JUNE 2026

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Since 1 December 2025, full-time foreign students in Poland may work without a work permit as long as they study at an institution that:

- has been approved by the Ministry of Interior and Administration (MSWiA) for admitting foreign students,
- or is exempt from the approval requirement and has not been subject to a ban on admitting foreign nationals.

All private universities in Poland are subject to the MSWiA approval requirement. According to the regulations, if a university is not approved, a foreign student who does not hold a temporary residence permit for study purposes cannot benefit from the work permit exemption.

However, a transitional limitation applies until 30 June 2026. The exemption still covers full-time students studying at private universities that are not listed in the MSWiA register.

From 1 July 2026, this limitation will no longer apply. If a university is not included in the register, the foreign student will lose the right to work without a permit. Further employment will only be possible if the employer obtains a work permit or if the student holds a residence permit for study purposes.

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