

# Mobility: Immigration alert

April 2023



## Poland

### Amendments to the Act on Foreigners

#### Executive summary

On 7 April 2023, amendments to the Act on Foreigners (“the Act”) went into effect, which impact third-country nationals applying for EU Long-Term Residence Permits and Ukrainian nationals seeking to obtain digital residence permits, among other groups. New regulations, which will provide greater clarity and details around the implementation of the amendments, are expected in the coming months.

#### Key developments

The amendments to the Act include the following:

- ▶ *Proof of Polish language proficiency.* To qualify for an EU Long-Term Residence Permit issued by Poland, third-country nationals must prove that they possess Polish language skills at a B1 Level or above by submitting a certificate of language proficiency from an [authorized institution](#). Alternatively, they may submit a degree/diploma confirming that they graduated from a primary or secondary (high) school in Poland, or a Polish university and completed their studies in Polish (as opposed to another language). Effective 24 June 2023, the rules will be amended to increase the ways in which applicants can demonstrate their Polish language proficiency (e.g., by expanding the list of authorized institutions).
- ▶ *Digital residence permits for Ukrainian citizens.* Following the outbreak of the armed conflict in Ukraine, Poland introduced a digital residence permit ([Dzia.pl](#)) for Ukrainian citizens who entered Poland on or after 24 February 2022.

As part of the application process, impacted Ukrainian citizens aged 18 and above are required to confirm their identity by creating a “trusted profile” on the [portal](#) of the Polish government and obtain a national identification (i.e., PESEL) number with the notation “UKR.” Currently, only impacted Ukrainian nationals aged 18 and above may create trusted profiles, and their dependent children must be included in their profiles. As part of the new amendments, the Dzia.pl application process will be modified to allow eligible minors to create their own trusted profiles. Further details regarding the process for minor applicants will be made available once the implementing regulations are published.

- ▶ *Travel documents for foreign nationals.* Certain foreign nationals who reside in Poland and whose passports have expired and are unable to obtain a new one, may be eligible to obtain a Polish travel document that permits them to depart from, and reenter the country, without their passport. Effective 23 April 2023, nationals of certain countries (to be designated by the Polish Minister of the Interior) will be exempt from paying the fee for obtaining a travel document.
- ▶ *Appeals of return decisions.* Individuals who are found to be residing unlawfully in Poland are now subject to potential expulsion and bans on reentry of 10 years (up from five years). These individuals will receive a “return decision” (informing them of their need to depart Poland

and return to their country of citizenship or ordinary residence), which they can appeal. Effective 7 April 2023, appeals are being handled by the Commander-in-Chief of the Border Guard (instead of the Head of the Office for Foreigners) and impacted individuals have seven days to file their appeal (down from 14 days previously).

### Impact on employers

While further details are expected when the implementing regulations are published, the amendments to the Act will, among other things, benefit employers that seek to sponsor third-country nationals to obtain EU Long-Term Residence Permits.

### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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