

- i. temporary protection in Poland,
- j. a valid Pole's Card,
- k. are family members of EU citizens,
- l. are staying on the territory of Poland on the basis of a stamp in the passport confirming their application for a temporary residence permit, permanent residence permit, EU long-term resident's permit - if immediately before submitting the application they were entitled to take up and perform economic activity on the basis indicated in points c and g.

## WHAT TO DO IF I DO NOT QUALIFY TO ANY OF THE ABOVEMENTIONED GROUPS OF FOREIGNERS AND I WANT TO DO BUSINESS HERE?

If you are a foreigner and you do not qualify to any of the abovementioned groups, **you cannot** conduct business activity in the form of a partnership: general partnership or professional partnership or as a natural person on the basis of **an entry in the CEIDG** - unless international agreements provide otherwise<sup>5</sup>.

**However, you may** conduct business activity in Poland in the **form of commercial law partnerships and companies**: limited partnership, limited joint-stock partnership, limited liability company or joint stock company. You may also join such companies and take up or purchase their shares<sup>6</sup>. However, holding shares in a capital company or being a member of its board of directors **does not** mean that one acquires the right to legally reside in Poland. You also need to know that **a work permit will still be required** if, in connection with being a member of the management board of a capital company<sup>7</sup>, you will be staying in Poland for more than **6 months** over the period of subsequent **12 months**<sup>8</sup>!



### Polish Migration Forum Foundation

Since 2007, we have been supporting foreigners living in Poland and working for the benefit of intercultural dialogue.

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#### We offer advice and consultations on:

- legalisation of stay in Poland,
- work and employment in Poland,
- establishing sole proprietorship (self-employment) or a limited liability company,
- social and health insurance (ZUS),
- labour market in Poland.

#### We can book you an appointment with:

- a psychologist – for adults and children,
- a career advisor,
- a lawyer,
- a development and company establishment specialist,
- an integration assistant.



A safe harbour.

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FOREIGNERS WORKING AND RUNNING A BUSINESS AFTER FINISHING EDUCATION IN POLAND | INFORMATION FOR FOREIGNERS IN POLAND

# FOREIGNERS WORKING AND RUNNING A BUSINESS AFTER FINISHING EDUCATION IN POLAND

Legal status as at 01.12.2019 | Free leaflet



<sup>5</sup> Article 4(3) of the Act of 6 March 2018 (...).

<sup>6</sup> Article 4(3) of the Act of 6 March 2018 (...).

<sup>7</sup> More precisely of the management board of a legal person entered in the register of entrepreneurs or being a capital company in organisation, or in connection with managing the affairs of a limited partnership or a limited joint-stock partnership as a general partner, or in connection with granting a proxy

<sup>8</sup> Art. 88 (1)(2) of the Act of 20 April 2004 on employment promotion and labour market institutions

Foreigners who have completed certain forms of education in Poland acquire special rights to take up employment in Poland.

## CAN I WORK WITHOUT A WORK PERMIT AFTER GRADUATING IN POLAND?

It won't always be possible. Only foreigners who have graduated from certain types of Polish schools are exempt from the obligation to hold a work permit<sup>1</sup>. An exemption from the obligation to have a work permit applies **only to graduates of Polish (or conducted in Polish):**

- **full-time university studies\***,
- **full-time doctoral studies\***,

\*at Polish universities, scientific institutes of the Polish Academy of Sciences or research institutes operating on the basis of regulations on research institutes; and

- **post-secondary schools.**

Remember that you need to document your right of working in Poland without a work permit by submitting a diploma or school-leaving certificate to the entity entrusting you with work.

## WHAT ARE FULL-TIME UNIVERSITY STUDIES?

**Higher education studies means** first-cycle studies, second-cycle studies, uniform Master's studies. Whereas **full-time studies** these are studies where at least half of the ECTS credits included in the curriculum are obtained in modules conducted with direct participation of academic lecturers or other persons conducting classes and students. An exemption from the obligation to have a work permit applies both to **graduates of full-time studies completed at Polish public or non-public higher education institutions.**

An exemption from the obligation to have a work permit **does not apply to foreigners who are graduates of part-time studies, such as extramural, evening or distance learning studies.**

## WHAT IS POST-SECONDARY SCHOOL?

In Poland, as a result of changes in the educational system introduced in 2017, there are no more lower-secondary nor post-secondary schools. Currently, the equivalent of a post-secondary school is a post-primary school. However, despite the reform, the legislator has not changed the wording of the regulation, which exempts some graduates from the obligation to hold a work

permit. This act still only mentions graduates of "post-secondary schools". Thus, in Poland there are graduates of:

### 1) upper-secondary schools,<sup>2</sup> i.e.

- **three-year basic vocational school,**
- **three-year general upper-secondary school,**
- **four-year technical school,**
- **post-secondary school** for people with secondary education degrees, with a teaching programme not exceeding 2.5 years,
- **three-year special school** providing vocational training to students with a mental handicap and to students with disabilities, the completion of which makes it possible to obtain a certificate of vocational training.

and of:

### 2) post-primary schools<sup>3</sup>, i.e.

- four-year general upper-secondary school,
- five-year technical school,
- **three-year first-degree trade school,**
- **three-year special school providing vocational training,**
- **two-year second-degree trade school,**
- **post-secondary school** for people with secondary education degrees or secondary vocational degrees, with a teaching programme not exceeding 2.5 years,

## DOES GRADUATING FROM POST-SECONDARY SCHOOL ENTITLE ME TO WORK IN POLAND WITHOUT PERMISSION?

Yes. As a graduate of a Polish post-secondary school - regardless of **whether it is a public or non-public school, or whether the tuition was provided in full-time or extramural form** - a foreigner is exempt from the obligation to **have a work permit**

**on the territory of Poland. You also do not need to have a declaration on entrusting the performance of work to a foreigner entered in the register of declarations by the district labour office. However, it is important that this is a post-secondary school entered in the relevant register.** The Register of Schools and Educational Establishments is available at the address: <https://rspo.men.gov.pl/> and on the website of the relevant education authority.

## IF I FINISH SCHOOL IN POLAND, WILL I BE ABLE TO DO BUSINESS IN POLAND?

Unfortunately, the provisions of Polish law do not provide for any facilitation of business activity conducted by foreigners who are graduates of Polish schools - as it is the case with paid employment. Thus, general regulations apply.

## WHEN, AS A FOREIGNER, CAN I DO BUSINESS IN POLAND?

Foreigners may conduct business activity in Poland on the same terms and conditions as Polish citizens<sup>4</sup> if:

- 1) they are nationals of a EU member state or EFTA member state - party to the Agreement on the European Economic Area,
- 2) they hold in Poland:
  - a. a temporary stay permit,
  - b. an EU long-term resident's permit,
  - c. a temporary residence permit to study, or to reunite with family, or for foreigners and their family members holding an EU long-term resident's permit granted by another EU state,
  - d. refugee status,
  - e. subsidiary protection,
  - f. a humanitarian or tolerated stay permit,
  - g. a temporary residence permit and are married to a Polish citizen,
  - h. a temporary residence permit for carrying out economic activity, granted for the purpose of continuing an existing economic activity on the basis of an entry in the CEIDG,

<sup>1</sup> Pursuant to § 1(15) of the Regulation of the Minister of Labour and Social Policy of 21 April 2015 on cases in which entrusting work to a foreigner on the territory of the Republic of Poland is allowed without the need to obtain a work permit

<sup>2</sup> Art. 9 section 1 point 3 of the Act of 7 September 1991 on the education system in the wording in force until 31 August 2017.

<sup>3</sup> Article 18(1) point 2 of the Act of 14 December 2016 on Education Law

<sup>4</sup> Article 4 Section 2 of the Act of 6 March 2018 on the rules of participation of foreign entrepreneurs and other foreign persons in trade on the territory of the Republic of Poland