



Overview of Changes to the Legislation in Poland

June 2023

A set of legal analyses is conducted in partnership with the Rule of Law Institute Foundation (FIPP)



INSTYTUT NA RZECZ PAŃSTWA PRAWA

On 27 June 2023, amendments to the Special Act (the Law of 12 March 2022 on providing assistance to citizens of Ukraine in connection with the armed conflict on the territory of this country) introduced by the Law of 14 April 2023 (Dz.U. 2023 poz. 1088) entered into force.

The most significant changes concerning Ukrainian citizens include:

- The period of legal stay for Ukrainian citizens who arrived in Poland legally starting 24 February 2022, due to the ongoing conflict in Ukraine, is automatically extended until 4 March 2024. This extension also applies to Ukrainian citizens holding a Pole's Card along with their family members.
- The period of legal stay for Ukrainian citizens who arrived in Poland legally starting February 24, 2022, due to the ongoing conflict in Ukraine, is automatically extended until 31 August 2024, if:
 1. On 4 March 2024, they attend kindergarten, fulfil their compulsory education obligations, or study in the Polish education system in accordance with the provisions of the education law;
 2. On 4 March 2024, they are receiving education in kindergartens or schools operating within the Ukrainian education system using distance learning methods and techniques;
 3. They have commenced education in a II sectoral vocational, post-secondary or adult schools no later than the 2022/2023 school year.
- The period of legal stay for Ukrainian citizens who arrived in Poland legally starting February 24, 2022, due to the ongoing conflict in Ukraine, is automatically extended until September 30, 2024, in the situation where a Ukrainian citizen takes a supplementary high school graduation examination in Poland.
- Another set of changes concerns the extension of legal stay for Ukrainian citizens who arrived in Poland before February 24, 2022, and whose last day of legal stay in Poland falls within the period after February 24, 2022. In this case, the periods of stay and validity of national visas, residence permits, deadlines for Ukrainian citizens to leave the territory of Poland, voluntary return deadlines, as well as short-term legal stays based on Schengen visas or within the visa-free movement, are extended until 4 March 2024. It is important to note that the extended documents do not entitle individuals to cross the border but allow for the extension of legal stay on the territory of Poland.
- The duration of special provisions regarding the legalization of stay for Ukrainian citizens has also been extended until 4 March 2024. This means that temporary residence permits are granted to Ukrainian citizens who do not meet the statutory requirements for obtaining such permits (the possibility of obtaining a temporary residence permit for a period of 1 year) until 4 March 2024.
- Until 4 March 2024, it is allowed that in specific cases (under the circumstances mentioned in Article 302, paragraph 1, points 1-8 and 10-16 of the Act on Foreigners), proceedings regarding the obligation of a Ukrainian citizen to return will not be initiated or will be discontinued if there is a significant personal interest for that foreigner.
- The running of deadlines in residence permit matters is suspended until 4 March 2024.

Some changes in Polish legislation that have recently taken place are important for all foreigners residing on the territory of the Republic of Poland. According to the Regulation of the Minister of Health of 14 June 2023, as of 1 July 2023, the state of epidemic threat related to SARS-CoV-2 infections is revoked on the territory of the Republic of Poland. Consecutively, all residence permits that expired after 14 March 2020 and were extended under the so-called 'COVID Act' remain valid until the 30th day after the cancellation of the epidemic emergency. Individuals staying in Poland based on extended residence documents should legalize their stay (e.g., submit a new residence application) or leave the territory of the Republic of Poland by no later than 31 July 2023. It should be emphasized that the above does not apply to Ukrainian citizens whose legal stay is regulated by the so-called Special Act.

Another significant change that also took effect on 1 July 2023, is the increase in the minimum wage and the associated income limit for unregistered economic activity. As of 1 July 2023:

1. The minimum wage is 3,600 PLN gross per month (previously 3,490 PLN gross),
2. The minimum hourly rate is 23.50 PLN gross (previously 22.80 PLN gross).

Therefore, as of 1 July 2023, the activity performed by an individual does not constitute a business activity if the income due from this activity does not exceed in any given month 75% (previously 50%) of the minimum wage and if the individual has not carried out a business activity in the last 60 months. It means that starting from 1 July 2023, unregistered economic activity can be carried out up to a monthly income limit of 2,700 PLN, as the minimum wage has increased and the income limit for unregistered economic activity has also changed. However, it is worth noting that if one exceeds the indicated limit, such a person will have only 7 days to register the economic activity.

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