

Employment of foreigners

COVID regulations

How to employ a Ukrainian citizen step by step

Consequences of Brexit for foreigners

Purple Guide

July 2021





Introduction

This guide is the second part of the publication on employing foreigners in the company (edition 2021). We deal with the issues listed below.

- 1. COVID regulations** –extension of key time limits related to the legalization of employment and stay of foreigners; facilitation for entrepreneurs facing financial difficulties as a result of the pandemic; restrictions on crossing the border of the Republic of Poland.
- 2. Step-by-step employment of a Ukrainian citizen** – declaration procedure; obtaining a work permit; entrusting seasonal work; settlements related to social insurance and income tax.
- 3. Consequences of Brexit** – how to get legal employment in the United Kingdom after 1 October 2021.

In the first part of the guide, we discussed the general rules for the legal employment of foreigners in Poland.

[See part I](#)

We cordially invite you to read both Purple Guides!

Purple Guide - a source of valuable information

We are pleased to present the next edition of the “Purple Guide” - a series of analyzes in which we discuss important and current issues for entrepreneurs.

In the current study, we present the key issues involving the employment of foreigners in Poland in the context of important events and processes currently faced by entrepreneurs. This applies to detailed COVID regulations for foreigners, the approaching end of the Brexit transition period and the dominant trend of economic immigration from Ukraine - especially in the period of the ongoing summer and early autumn seasonal work.

Grant Thornton HR and payroll experts share their knowledge, and the whole is complemented by a commentary by Monika Smulewicz - labour law expert who oversees the handling of hundreds of projects, including employment of foreigners.

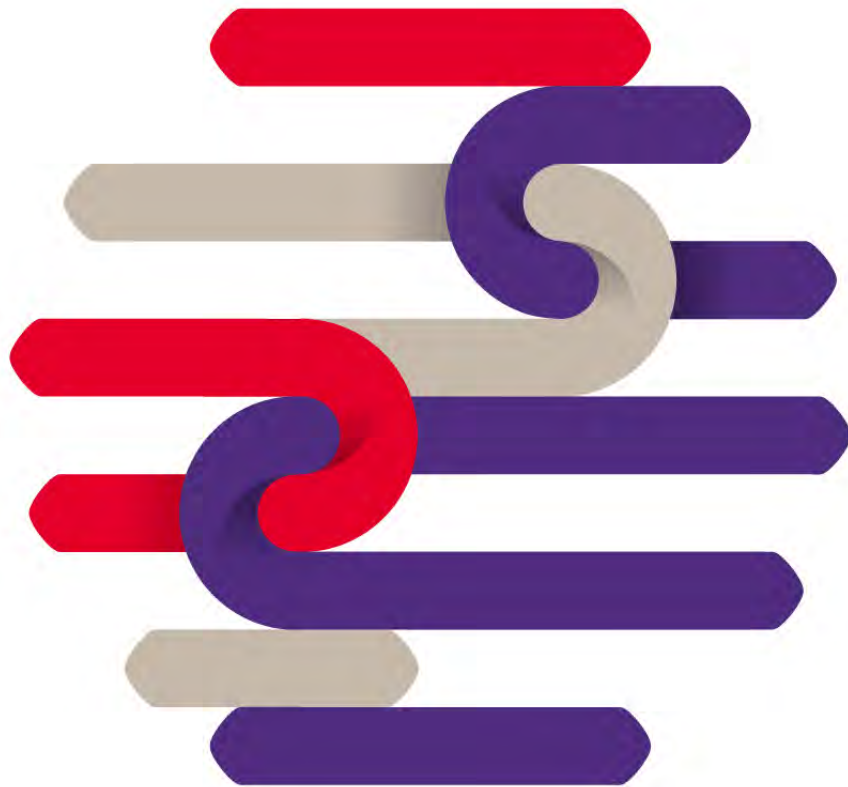
Grant Thornton Outsourcing Team



COVID regulations concerning foreigners in Poland

For over a year, the world has faced the ongoing Covid-19 pandemic. Numerous restrictions affect the everyday life of each of us, not sparing the labour market - also for foreigners. The pandemic caused certain difficulties in the implementation of official matters. For this reason, the Polish regulator had to extend the time limits for obligations that could not be fulfilled. Already in March 2019, the so-called COVID special act, which to this day significantly affects the realities of the functioning of people coming to Poland from abroad for economic purposes.

Extending the validity of documents legalizing work



The most important change introduced by the afore-mentioned special act is the **extension of the validity of work permits**. If the validity of the permit expires during the ongoing period of the state of epidemic threat or the state of epidemic, it will be extended by 30 days from the date of cancellation of the state that was last in force (Article 15zzq (1) of the Act of 31 March 2020 on special solutions related to the prevention, counteraction and combating of COVID-19, other infectious diseases and crisis situations caused by them, and some other acts). As a result, it is now possible to work on the basis of a permit which expired over a year ago. This regulation also applies to a seasonal work permit and the decision to extend a permit for it.

A similar rule was adopted in the case of work on the basis of declarations on entrusting work to a foreigner. If the date of termination of the employment period included in the declaration falls during the period of the state of epidemic threat or the state of epidemic, then - as in the case of a work permit - this period is automatically extended (Article 15zzq (3) of the above-mentioned special COVID act of 31 March 2020).

It is also important that in such a situation this period is not included in the period of declaration limited by the period of 6 months. Thanks to this, on the basis of the declaration of entrusting work, it is possible to perform work for a period longer than 6 months within consecutive 12 months.

Extending the validity of residence permits for foreigners

Official COVID difficulties also apply to issues related to the legalization of stay in the Republic of Poland by foreigners.

The solution was again to extend the validity of short-term residence permits, such as:

- Schengen visa,
- visa issued by another state of the Schengen area,
- residence permit issued by another state of the Schengen area,
- long-stay visa issued by another EU Member State that is not a state of Schengen area, if it entitles to stay on the territory of the Republic of Poland,
- residence permit issued by another EU Member State that is not a state of Schengen area.

Pursuant to the provision in the special act, foreigners staying on the territory of the Republic of Poland on the day of the announcement of the state of epidemic threat may legally stay in Poland on the basis of the above-mentioned documents. Their validity has been extended by 30 days from the cancellation of the period of the state of epidemic threat or the state of epidemic (Article 15d (1) of the abovementioned special COVID act).



More time to apply for a residence permit

The time during which persons wishing to obtain a residence permit can apply for a residence permit has also been extended. Documentation in this matter - in the period of the state of epidemic threat or the state of epidemic - may be submitted up to 30 days from the cancellation of the last state (Article 15z of the above-mentioned special COVID act). This applies to applications for granting:

- temporary residence permit,
- permanent residence permit,
- long-term resident's EU residence permit,
- visa extension,
- stay under the visa-free regime.

As a result, the stay of a foreigner on the territory of the Republic of Poland is legal in the period preceding the submission of the application - regardless of how the procedure is completed after the epidemic.



Note!

The regulations of the special act make it possible for both employed persons and their employers to postpone the time limit for submitting documents required by law. However, please note that this period may end soon. Then it may be difficult to legalize your stay or work permit within the 30-day period provided for by the Act.

COVID support for entrepreneurs

Due to the ongoing pandemic, the regulations on changing the conditions of work performed by foreigners have also been extended. Thanks to the current regulations, **employers do not have to obtain new permits or update the provisions contained, for example, in a temporary residence and work permit.**



Avoiding administrative action has made it easier for employers to benefit from government support prepared for an ongoing pandemic, such as:

- working time reduction,
- salary reduction,
- remote work command.

Various forms of assistance have been provided for employers who have problems with financial liquidity during the pandemic. Among them is an idle-time benefit that the employer can apply for on behalf of the employee. It is also due for employees who are foreigners employed under a civil law contract. However, it is necessary to fulfil several conditions:

- contract concluded before 1 April 2021,
- legal stay on the territory of the Republic of Poland,
- there is no other social security title,
- revenue received in the month preceding the month in which the application for the idle-time benefit was submitted was not higher than 300% of the average monthly salary for the previous quarter announced by the President of the Central Statistical Office,
- entrepreneur conducts business activity defined by the code of the Polish Classification of Activities (PKD) in the 9.0 anti-crisis shield regulation.

Restrictions on crossing the border of the Republic of Poland

Due to the rapid spread of the Sars-CoV-2 virus, the Polish legislator introduced additional border restrictions. From June 2020, additional checks are carried out at the internal borders of the Schengen area and there are restrictions on the external border of the Republic of Poland. This means that visa-free travel is possible for people who are citizens of the European Union and EFTA countries. They are also exempt from compulsory quarantine if they have a negative COVID-19 test result (PCR or antigen test, taken no later than 48 hours before crossing the border) or a certificate of vaccination with a vaccine approved by the EU.

The situation is different in the case of foreigners arriving to Poland from other regions of the world. When crossing the eastern border of Poland, which is also the external border of the EU, restrictions and the obligation to undergo quarantine still apply to them.

Entry to Poland is possible for a strictly defined group of people - including foreigners:

- who are spouses or children of Polish citizens or remain under their permanent care,
- holding the Pole's Card,
- having the right of permanent or temporary residence on the territory of the Republic of Poland or on the territory of other EU Member States, the EFTA Member State,
- having the right to work on the territory of the Republic of Poland,

- who operate a means of transport for the transport of people or goods, and their drive is performed as part of professional activities (i.e. they carry goods or transport passengers),
- crossing the border on the basis of a visa issued for the purpose of arrival for humanitarian reasons.

However, the above-mentioned groups of people are subject to a mandatory quarantine lasting 10 days. They are not exempted from undergoing mandatory quarantine if they are tested in their country of origin. However, it is possible to shorten the quarantine by performing a test on the territory of the Republic of Poland, but it may not be earlier than 7 days from the moment of crossing the border, and the day on which the border was crossed is not included in this period. As a result, release from quarantine is possible after the test is performed on the eighth day, upon arrival in the country.

People who are fully vaccinated against COVID-19 are also exempt from quarantine. However, it should be remembered that 14 days must pass from the moment the vaccination process is completed.

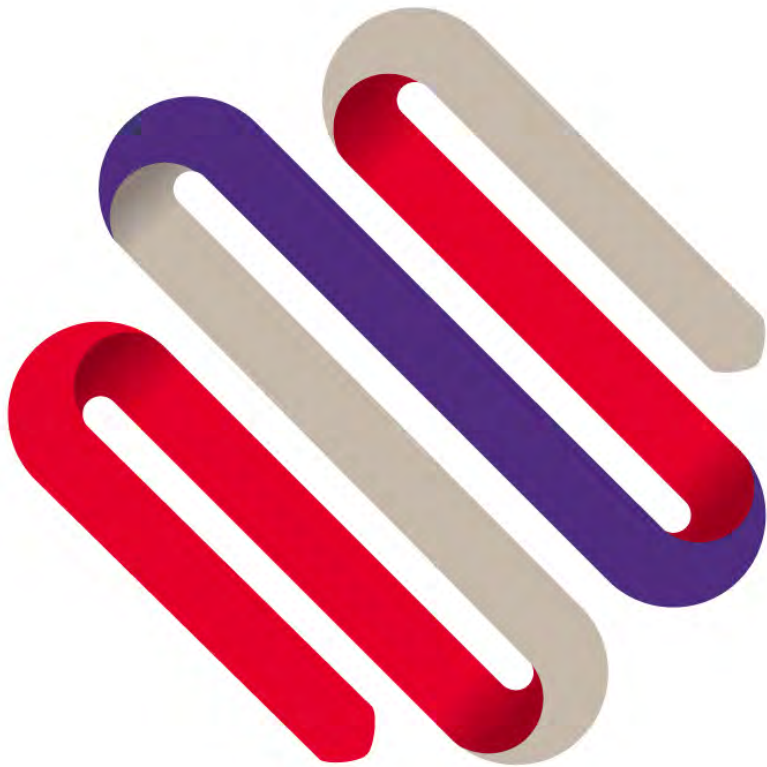
The above-mentioned regulations are valid from 28 June 2021. For current information related to the Covid-19 pandemic, [visit the government website](#).

How to employ a citizen of Ukraine step by step?

An employer who intends to employ a foreigner is obliged to take certain steps to legalize the right to work of such a person in Poland. **It is the employer's responsibility to apply to the relevant entities with documents that will enable legal employment of a citizen from outside the European Union.** A foreigner may work in Poland on three grounds:

- employment contract,
- civil law contract (including commission contract, agency contract or specific work contract),
- performing functions on the boards of legal persons.

Employment of a foreigner on the basis of a **declaration**



One of the easiest ways to legalize the employment of a foreigner in Poland is the so-called **declaration procedure**. Using it significantly speeds up the start of work by a foreigner and does not require the so-called labour market test - i.e. verification of the employer's staffing needs that could be met by the local labour market.

As part of the declaration procedure, work in Poland may be performed by citizens of: **Belarus, Georgia, Moldova, Russia, Armenia and Ukraine**. On the basis of a valid declaration, they may perform work for a period of six months within consecutive 12 months, without the obligation to obtain a work permit.

Remember:

1. The 6-month limit applies to a foreigner and not an employer - this means that a foreigner may work for many employers during this period.
2. On the basis of the declaration, foreigners cannot be employed for seasonal work in such sectors of the economy as: agriculture, activities related to accommodation and catering services, fishing, hunting and forestry.

Declaration procedure

Step 1

In order to prepare and then submit a declaration on entrusting work to a citizen of Ukraine, the employer needs the following information:

- I. data on the entity entrusting the performance of work to the foreigner: (1) business name/name and surname; (2) tax identification number (NIP), statistical number (REGON); (3) address;
- II. information about the foreigner: (1) name and surname; (2) date of birth; (3) citizenship; (4) travel document - series and number, issue date and expiry date;
- III. information about the work entrusted to the foreigner: (1) position/type of work performed; (2) name and code of the profession; (3) symbol of the Polish Classification of Activities (PKD); (4) place of work; (5) type of contract constituting the basis for the performance of the work; (6) working hours; (7) gross salary; (8) period of work.

The completed declaration must also be accompanied by a set of documents, such as:

- valid ID card or other travel document confirming the identity of the foreigner;
- copy of all completed pages of a valid identity or travel document;
- proof of payment in the amount of PLN 30 for entry in the register of declarations.

The exact list of all attachments is set out in Article 7 (3) of the Regulation on permits.

Step 2

In order to register the declaration and the set of collected documents, the employer (the employing entity) should go to the competent employment office in person (due to the seat or place of permanent residence).

IMPORTANT! During a pandemic, the required form of submitting the declaration and other documents is electronic - reports should be made via the government website: www.praca.gov.pl.

On this website, the employer can choose between two declarations: PSZ-OPWP and PSZ-OPWPA. The PSZ-OPWPA application concerns entities acting as a temporary employment agency. The employer should:

- choose the appropriate entity from the available list of offices,
- then complete the appropriate form,
- attach previously scanned documents
- and sign with a qualified electronic signature or a trusted profile,
- and then send the documents.

The recorded declaration will then be sent in electronic form to the e-mail address indicated in the declaration.

When considering the declaration, the staroste may obtain from the Social Insurance Institution and the National Revenue Administration information about the employing entity's revenue and income, taxation method, possible tax and insurance arrears. The staroste may also obtain information about the employer's criminal record from the National Labour Inspectorate and the Border Guard.

Declaration procedure - continued

Step 3

The Poviát Labour Office within 7 days from submitting the declaration on entrusting work to a foreigner is obliged to make an entry in the register or to inform about the refusal to make the entry. This procedure may be extended up to 30 days if there is a need to conduct an investigation.

In order for this entry to be made, **three conditions must be met cumulatively**:

1. the foreigner is a citizen of the state specified in the regulation on subjective inclusion or on professions,
2. the foreigner will not perform seasonal work,
3. the foreigner will work in Poland for no longer than 6 months in total within consecutive 12 months.

Step 4

In the event of receiving a refusal to enter the declaration in the register from the Poviát Labour Office (PUP), the employing entity has the **right to appeal**. Such an appeal should be submitted to the minister responsible for labour, via the staroste - no later than within 14 days from the date of receipt of the negative decision.

The appeal letter does not need to be specifically reasoned. It is enough to write in it that the party appealing against the decision is dissatisfied with it. Then the minister for labour has three options:

- maintain the contested decision in force,
- revoke the contested decision in whole or in part,
- discontinue the appeal proceedings.

The employer who obtains an entry of declaration in the register must inform the Poviát Labour Office - no later than one day before the commencement of work - that the foreigner has taken up employment. If it turns out that the foreigner did not appear at the employer on the set date and did not sign the contract, the employing entity is also obliged to inform the Poviát Labour Office (PUP) about this fact - within 7 days from the date of commencement of work specified in the declaration.

The information is provided to the Poviát Labour Office (PUP) in the same way as in the case of registration of the declaration - via the website www.praca.gov.pl on the PSZ-PPPO form.

Declaration procedure - continued

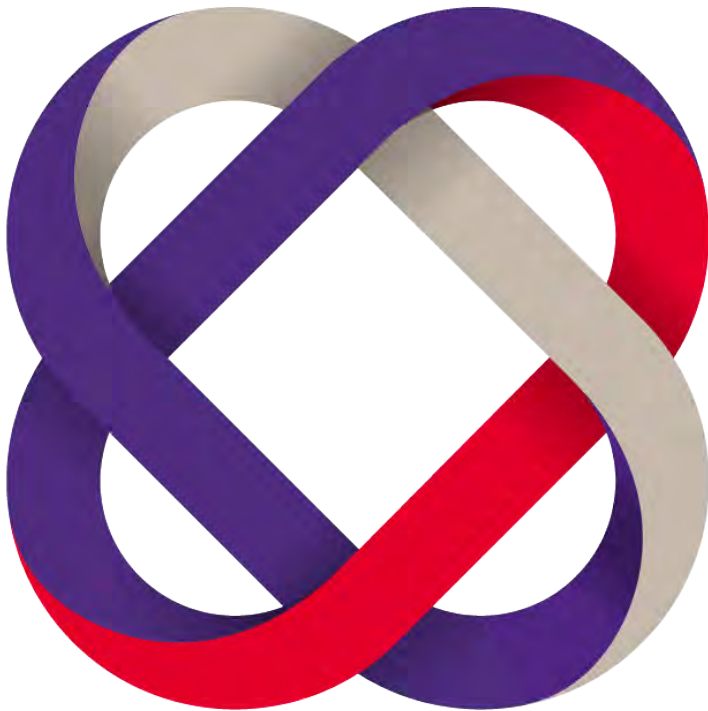
Step 5

If, during employment, the working conditions contained in the declaration change, the employing entity should apply for a new declaration. It is not necessary in the following cases:

- change of the seat or place of stay, business name or legal form of the employing entity;
- transfer of the workplace or its part to another employer;
- conclusion of an employment contract instead of a civil law contract.



Employment of a foreigner on the basis of a **permit**



Employers who want to continue employing a foreigner after the declaration expires, must obtain a work permit for him/her.

The procedure for obtaining a work permit is much longer than the declaration procedure - it can take up to several months. Therefore, it is worth submitting an appropriate application to the competent voivodship office due to the company's seat or the employer's place of residence on the basis of the declaration already during the employment relationship.

Remember:

1. A type A work permit is always issued for a period not longer than 3 years, with the possibility of another extension.
2. A work permit is only valid for a specific employer. It will not be valid in the case of employment in another enterprise.

“Permit” procedure

Step 1 O

The employer, via the website www.praca.gov.pl, should submit the ZC-WWZ application for a work permit for a foreigner on the territory of the Republic of Poland (the afore-mentioned type A).

The type A permit applies to a foreigner performing work on the territory of the Republic of Poland on the basis of an agreement with an entity whose seat or place of residence is on the territory of the Republic of Poland.

On the above-mentioned website, the employer should select the tab “Employment of a foreigner” and then “Work permit for a foreigner”. The data that will be necessary for the correct completion of the application include:

I. data on the entity entrusting the performance of work to the foreigner: (1) business name/name and surname; (2) tax identification number (NIP), statistical number (REGON); (3) address; (4) the total number of people performing work and the number of people employed under an employment contract; (5) symbol of the Polish Classification of Activities (PKD);

information about the foreigner: (1) name and surname; (2) date of birth; (3) citizenship; (4) travel document - series and number, issue date and expiry date;

information about the work entrusted to the foreigner: (1) position/type of work performed; (2) name and code of the profession; (3) symbol of the Polish Classification of Activities (PKD); (4) place of work; (5) type of contract constituting the basis for the performance of the work; (6) working hours; (7) gross salary; (8) scope of basic duties; (9) period of work.

Required attachments

The following documents must also be attached to the application for a work permit for a citizen of Ukraine:

- **ważny dowód osobisty lub inny dokument podróży** potwierdzający tożsamość cudzoziemca;
- **valid ID card or other travel document** confirming the identity of the foreigner;
- **copy of all completed pages** of a valid identity or travel document;
- **proof of payment** in the amount of PLN 100 - if the work of the foreigner is to last longer than 3 months, and in the case of its duration less than 3 months - in the amount of PLN 50; please note that when paying via the Internet, the printout must contain the following annotation: “Document prepared electronically pursuant to Article 7 (1) and (2) of the Banking Law. It does not require a stamp and signature”;
- **statement of no criminal record** of the employer or the person acting on the employer’s behalf; this document must be in the form of a file signed with a trusted profile by the employer (entrepreneur or person according to the National Court Register) - it cannot be a commercial attorney (!);
- **information from the staroste about the conducted labour market test**; this document should always be submitted in original.

The exact list of all attachments is set out in Article 7 (3) of the Regulation on permits. The application, together with the complete set of previously scanned documents, should be signed with a qualified electronic signature or a trusted profile and sent.

“Permit” procedure - continued

Step 2 ○

After the work permit was issued by the voivode, the employer is obliged to provide the foreigner with one copy of the permit and to respect the terms and conditions of the contract - especially with regard to the amount of salary specified in the application.

Regardless of the type of contract, it must always be concluded in writing and presented to the foreigner in a language that he/she understands. The employer is also obliged to make copies of the documents entitling the foreigner to stay in Poland and keep them throughout the entire period of employment.

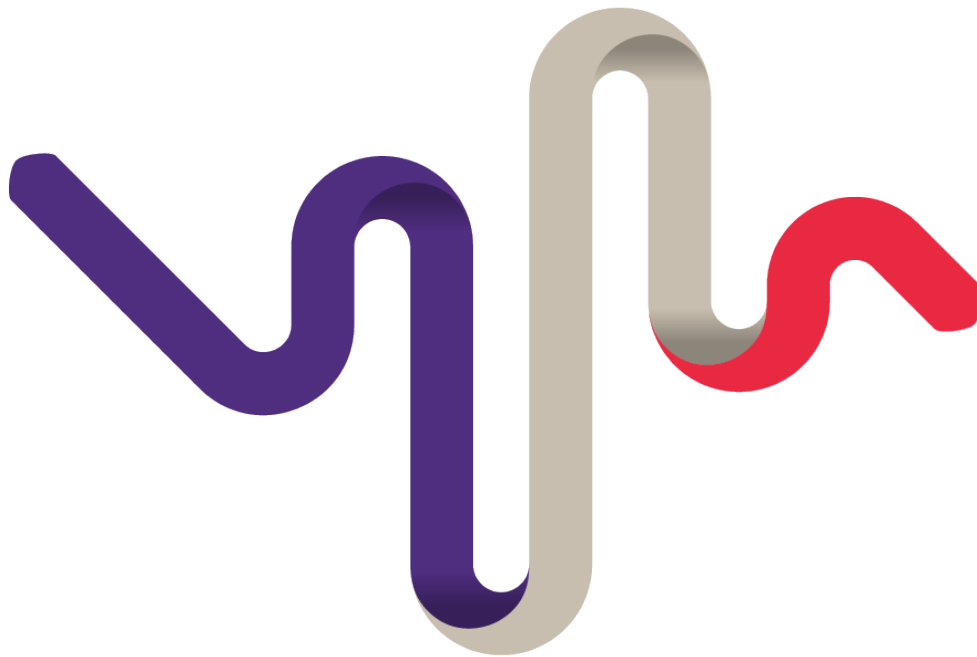
Step 3 ●

If the following changes occur in the course of employment of a foreigner, the employer is obliged to notify the voivode who issued the permit within 7 days from the occurrence of the fact.

These can be the following situations:

- the foreigner took up work of a different nature or position than it was specified in the work permit;
- the foreigner did not start work within 3 months from the initial validity date of the work permit;
- the foreigner stopped work for a period exceeding 3 months;
- the foreigner finished work within 3 months of the expiry of the work permit;
- there was a change of the seat or place of residence, business name or legal form of the employing entity.

Employment of a foreigner for **seasonal work**



Seasonal work concerns the seasons and their typical intensified work in the national economy. Then the demand for labour increases, especially in such industries as agriculture, horticulture and tourism.

Seasonal work may be performed for no longer than 9 months - the entity entrusting work to a citizen of Ukraine is required to obtain a type S permit.

In order to obtain such a permit, the employer submits an application to the competent Poviast Labour Office (PUP) due to the company's seat or the employer's place of residence.

Remember:

The employer who employs a citizen of Ukraine is not required to provide the Poviast Labour Office (PUP) with information about the so-called labour market test.

“Permit” procedure

Step 1 O

The employer, via the website www.praca.gov.pl, should submit the ZC-WWZ application for a work permit for a foreigner on the territory of the Republic of Poland (the afore-mentioned type A).

The type A permit applies to a foreigner performing work on the territory of the Republic of Poland on the basis of an agreement with an entity whose seat or place of residence is on the territory of the Republic of Poland.

On the above-mentioned website, the employer should select the tab “Employment of a foreigner” and then “Work permit for a foreigner”. The data that will be necessary for the correct completion of the application include:

- I. data on the entity entrusting the performance of work to the foreigner: (1) business name/name and surname; (2) tax identification number (NIP), statistical number (REGON); (3) address; (4) the total number of people performing work and the number of people employed under an employment contract; (5) symbol of the Polish Classification of Activities (PKD);
- II. information about the foreigner: (1) name and surname; (2) date of birth; (3) citizenship; (4) travel document - series and number, issue date and expiry date;
- III. information about the work entrusted to the foreigner: (1) position/type of work performed; (2) name and code of the profession; (3) symbol of the Polish Classification of Activities (PKD); (4) place of work; (5) type of contract constituting the basis for the performance of the work; (6) working hours; (7) gross salary; (8) scope of basic duties; (9) period of work.

Required attachments

The following documents must be attached to the application for a seasonal work permit for a citizen of Ukraine:

- **valid ID card or other travel document** confirming the identity of the foreigner;
- **copy of all completed pages** of a valid identity or travel document;
- **copy of a valid document entitling to stay on the territory of Poland** - if the foreigner is already staying on the territory of the Republic of Poland;
- **proof of payment** in the amount of PLN 30; please note that when paying via the Internet, the printout must contain the following annotation: “Document prepared electronically pursuant to Article 7 (1) and (2) of the Banking Law. It does not require a stamp and signature”.

The exact list of all attachments is set out in Article 7 (2) of the Regulation on permits. The application, together with the complete set of previously scanned documents, should be signed with a qualified electronic signature or a trusted profile and sent. The submitted application will be verified in terms of correctness and completeness of the attachments.

IMPORTANT! The application for a seasonal work permit also includes a declaration for the employer about ensuring that the salary is not lower than that specified in the application, and in addition- for a foreigner - about his/her good criminal record (under pain of criminal liability) and about the method of accommodation.

“Permit” procedure - continued

Step 2

The staroste has: 7 days to issue the certificate - if there are no formal shortcomings in the application; 30 days if the case requires an investigation and as much as 2 months in particularly complicated cases.

The staroste may also issue a negative decision, which may be appealed against to the minister for labour. The steps to prepare the appeal are the same as for the appeal in the declaration procedure.

After obtaining a positive decision, the application will be entered by the staroste in the register of applications for seasonal work. The staroste will issue to the entity applying for the seasonal permit:

- **seasonal payment permit** for a foreigner who is already staying in Poland or
- **certificate of entry** in the case of a foreigner who is yet to come to Poland; the employing entity must provide this certificate to the foreigner after his appearance in Poland.

ATTENTION! The employer is obliged to provide the foreigner with a certificate of entering the application in the register, because this document is the legal basis for obtaining a visa authorizing him/her to enter the territory of the Republic of Poland, if it is needed.

A seasonal work permit is issued for a period not longer than 9 months in a given calendar year. This period is counted from the date of the foreigner's first entry into the territory of the Schengen countries. If the foreigner is already staying on the territory of Poland, this period is counted together with the periods indicated in the previously issued seasonal work permits.

IMPOTANT! During the period of validity of a seasonal work permit, a foreigner may perform any seasonal work for a given employer, not only the one specified in the application.

Step 3

The employer is obliged to include in the contract with the foreigner all the working conditions specified in the application - especially with regard to salary for work. The contract must be in paper form and in a language understood by the foreigner.

The employer who undertook to provide accommodation must conclude a separate contract with the foreigner in a language he/she understands, in which the terms of the lease will be specified.

IMPORTANT! It is not allowed to deduct rent payments from the foreigner's salary.

NOTE! An employer who intends to employ the same foreigners for seasonal work cyclically, may apply for a multi-season permit, however, after meeting two conditions:

1. entrusting work to a foreigner within 5 years preceding the submission of the application;
2. no arrears in paying advances for income tax on the contract signed with a foreigner and social security contributions, if they were mandatory.

A multi-season permit is issued for no more than 3 years.

Settlement of a foreigner in terms of social security contributions

As a rule, the settlement of a citizen of Ukraine is analogous to that of a Polish citizen. There are practically no differences in social security contributions.

An employer who employs a foreigner on the basis of an employment contract is obliged to report him / her to mandatory social security and health insurance within 7 days from the date of employment.

Remember:

If a citizen of Ukraine has not been assigned a personal identification number (PESEL), then the series and number of the passport should be entered as the identifier.



Other acceptable forms of employment are civil law contracts: mandate contract, contract for specific work, management contract, resolution on appointment to the management board or supervisory board.

Here, too, the employing entity is obliged to report a foreigner to the Social Insurance Institution (ZUS) in the case of contracts from which such an obligation arises. The exception is students under the age of 26 who are not subject to this obligation.

A citizen of Ukraine is obliged to have an insurance policy, on the basis of which he/she will be able to cover any costs of treatment in Poland.

If a foreigner is reported by the employing entity for health insurance, e.g. under an employment contract or contract of mandate, he/she does not have to have such a policy. He/she then has the same right to free medical care as Poles.

Settlement of a foreigner in terms of income tax

Foreigners are required to pay advances for tax or lump-sum tax on their revenue earned in Poland. There are a few exceptions to this rule that should be discussed separately.

The employing entity calculates an advance on income tax - and deducts it - from the foreigner's salary, and pays it to the account of the tax office. The tax scale is the same as for Polish citizens, i.e. 17% and 32% of the tax base.

Foreigners who are under 26 years of age have - like Poles - the right to exempt from taxation their revenue obtained, inter alia, under an employment contract or contract of mandate, up to the annual amount of PLN 85,528.



Do you have questions about matters related to the calculation of salaries and the resulting public and legal obligations?
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Legal basis

- Regulation of the Minister of Family, Labour and Social Policy of 7 September 2018 amending the regulation on the subclasses of activity according to the Polish Classification of Activities (PKD), in which seasonal work permits are issued for a foreigner
- Regulation of the Minister of Family, Labour and Social Policy of 7 December 2017 on issuing a work permit for a foreigner and entering a declaration on entrusting work to a foreigner in the register of declarations



Consequences of the United Kingdom's exit from the European Union for foreigners

Officially, on 1 January 2021, the United Kingdom ceased to be a member of the European Union - there was the so-called Brexit. On 1 October 2021, the end of the so-called transition period in relations between the United Kingdom and the European Union was determined.

What does it mean for foreigners from this region and other foreigners?

Crossing the border of the United Kingdom by foreigners

For most of 2021, citizens of the European Union can enjoy the absence of the obligation to have a passport when crossing the United Kingdom's border, but the regulations enabling this will only apply until the end of the transition period, i.e. until 1 October this year.

You can still enter the United Kingdom for up to 6 months without a visa for:

- tourism purposes,
- visiting family,
- business purposes (participating in meetings, conferences, fairs etc.),
- undergoing short-term study (e.g. studies).

A full, detailed list of activities allowed for visitors to the United Kingdom is available on the GOV.UK website.



Note!

EU citizens entering the United Kingdom for non-economic purposes will not need an entry visa. This does not apply to citizens of the so-called third countries for which it is obligatory to have a visa when entering the territory of the United Kingdom.

The basis for the legal stay of foreigners in the United Kingdom after Brexit

Exactly on 1 January 2021, the United Kingdom introduced 2 key changes from the point of view of economic emigration: (1) visas and (2) point migration system. What is worth knowing about it?

An important aspect of living in the United Kingdom is settled status. Those who left for the UK before the Brexit decision was made should submit a special application for settled status in the United Kingdom's migration system.

Note!

The status of Irish citizens (still a member of the European Union) continues to be governed by the arrangements applicable to the Free Movement of Persons Area.

Consequently, Irish people do not need a permit to come to the United Kingdom. Thus, Irish citizens are not required to register with the United Kingdom's migration system.

Persons wishing to register in the United Kingdom's migration system had time to submit applications only until 30 June 2021

Registration in the migration system means granting one of two statuses in advance:



„settled”, that is, status of a permanently displaced person

or



„pre-settled”, that is, status of a temporarily displaced person.

“Settled” and “pre-settled” status

“Settled” status is granted to people who moved to the British Isles before 31 December 2020, while staying in the United Kingdom continuously for at least five years in a row. The term “continuous residence” means living in the United Kingdom for at least six months each year during the last five years.

If settled status is obtained, a foreigner has the right to stay in the United Kingdom without restrictions, while also being able to apply for British citizenship after 12 months.

“Pre-settled” status will be granted to people whose move to the United Kingdom took place before 31 December 2020, but at the time of submitting the application, they had not been in the United Kingdom continuously for at least five years in a row.

Important!

From the date on which they are granted pre-settled status, foreigners will be able to stay in the United Kingdom for another five years.

The extension of this time is done by resubmitting the application, this time for settled status.



The basis for legal work for foreigners in the United Kingdom from 2021



An important interest of the United Kingdom in making the Brexit decision was to reduce the overall level of migration to the Islands. Therefore, a system has been introduced that gives access to the English labour market to those who meet certain criteria influencing the use of the United Kingdom's economy.

The points-based immigration system introduced by the United Kingdom on 1 January 2021, by definition favours certain competences, qualifications and experience, but bypassing the foreigner's country of origin.

Important!

Citizens of any EU country (except Irish citizens) have the same opportunities under the points system as citizens of any non-EU country.

Points system when applying for a work visa



In order to obtain a visa to work in the United Kingdom, it is necessary to obtain 70 points under the points-based immigration system. As part of 70 points mentioned, 50 points are for the mandatory categories and 20 points for any additional category.

Criteria in the points-based administration system

Category	Tradeable	Points
Mandatory categories		
Offer of job by approved sponsor	No	20
Job at appropriate skill level	No	20
Speaks English at required level	No	10
Kategorie dodatkowe		
Salary of GBP 20,480 (minimum) – GBP 23,039	Yes	0
Salary of GBP 23,040 – GBP 25,599	Yes	10
Salary of GBP 25,600 or above	Yes	20
Job in a shortage occupation	Yes	20
PhD in subject relevant to the job	Yes	10
PhD in a STEM subject relevant to the job	Yes	20

Types of work visas in the United Kingdom for foreigners



Work in the United Kingdom is possible on the basis of obtaining one of the applicable visas allowing for professional activity on the Islands. These include:

- ✓ visa for skilled workers, i.e. **Skilled Worker Visa**,
- ✓ visa for healthcare professionals – **Health and Care Visa**,
- ✓ visa for university graduates – **Graduate Visa**,
- ✓ and **Global Talent** visa.

Visa for qualified foreigners of various industries

Skilled Worker Visa

This is a skilled worker visa. It serves the needs of the UK labour market with appropriately trained workers. In order to meet the conditions of the visa procedure for this category, the foreigner applying for it should prove:

- receipt of a job offer with the required level of qualifications from a surety authorized by the British Ministry of the Interior,
 - prediction of receiving the appropriate minimum salary (standard is GBP 25,600 per year or a standard rate for a specific type of work),
 - ability to communicate in English at the intermediate level (B1, according to the Common European Framework of Reference for Languages).
- having a job offer with a shortage of labour on the English market,
 - using PhD in subject relevant to the job or PhD in STEM (Science, Technology, Engineer, Mathematics),
 - entering the labour market with salary requirements for new entrants to the labour market 30% lower than the salary for experienced workers (based on a floor of GBP 20,480 per year).

The additional categories for qualifying visas for skilled workers in the tradeable points-based system include:



Visa for qualified healthcare professionals and Global Talent visa

Health and Care Visa

A visa for qualified medical workers, intended for people working professionally in the healthcare sector. To use this form of granting a visa, it is necessary to:

- receive a job offer from the National Health Service (NHS) or from secondary sectors providing services in the field of or for the NHS,
- communicate in English to the extent that it is possible to work in health care,
- meet the other requirements of the visa procedure for Skilled Workers.

Global Talent

This visa allows highly skilled workers to come to the United Kingdom for profit, without the need for a job offer. This visa targets recognized and future world leaders in science, humanities, engineering, digital technology and the arts. The intention is that these individuals' abilities are to enrich society and the economy of the United Kingdom



Graduate visa



Graduate Visa

Intended for people who have successfully completed their first or second cycle studies (Bologna Process) in the United Kingdom. The visa entitles the graduate to stay and work or look for a job for a maximum period of 2 years from the date of graduation. In the case of graduates of doctoral (third cycle) studies, the period is extended to 3 years.

As in the case of residence permits, graduates who are citizens of the European Union are not rewarded in any way in relation to students from other regions of the world.

The Graduate Visa program is available to international students sponsored by the so-called patrons. Patrons must comply with UK government immigration requirements, associated with necessity of the Home Office authorization.

Important!

A graduate visa allows the application of various visa procedures when the applicant receives an appropriate job offer from the patron and meets the requirements of a specific visa procedure.

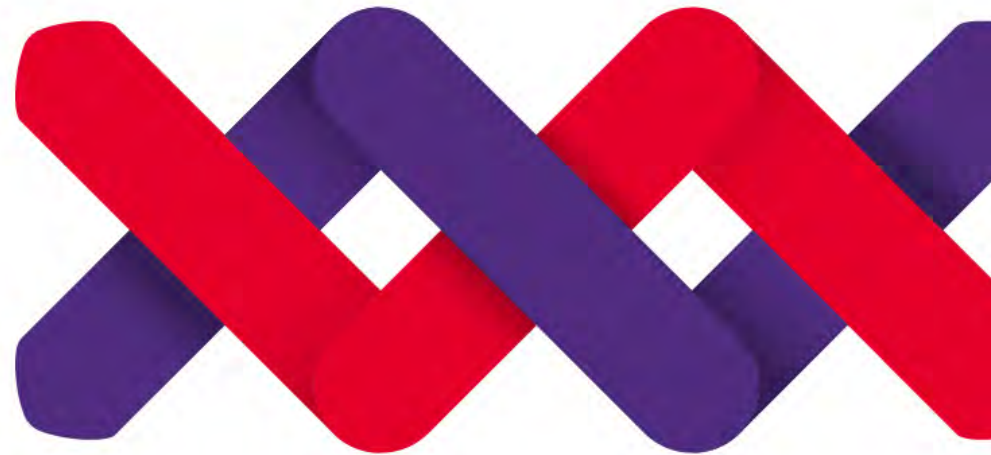
Consequences of Brexit for the British labour market

A number of reports (including the Social and Equality Impacts of Brexit issued by the Scottish authorities) indicate a decline in immigration from European Union countries as a result of Brexit. Immigration is reported to be the lowest in seven years. So far, the UK labour market has been characterized by a regular inflow of workers, in particular from the so-called A8 group (i.e. Central and Eastern European countries), due to its open nature. It mainly “absorbed” employees from sectors such as construction, agriculture and services. According to data prepared by the authorities in London, annual immigration from EU countries in the period from the Brexit referendum to 2019 fell by 55,000 people.

The healthcare situation is even more worrying for the English public economy. Brexit has exacerbated recruitment problems, especially for NHS senior and junior staff. Foreigners in this sector account for 12% of the workforce, and immigration procedures will definitely aggravate this important challenge for public services.

The United Kingdom, despite Brexit, will probably remain an attractive destination for emigration for people who want to get education in the UK. The British higher education system is at the forefront of the world, mainly thanks to the position of many of the universities there. The solutions adopted by the British government should not demotivate young people who want to take advantage of the offer of universities in the United Kingdom.

In the adopted migration procedures, the United Kingdom focuses on the development of an innovative labour market with a high level of qualifications. The programs aimed at building it are intended to be very accurate, but in practice they may encounter a number of barriers related to the actual influx of employees.



Expert comment:

How to increase the attractiveness of the company for foreign employees?

After the turmoil related to the Covid-19 pandemic, the tendency for foreigners to stay in Poland for longer periods and to settle by them is strengthening, which is beneficial both from the perspective of Polish employers, ongoing demographic processes (aging of the society, low unemployment, high professional inactivity) and for Polish GDP. However, the statistics in this field leave a lot to be desired, and the high turnover of foreign personnel remains the problem of many Polish employers who employ foreigners.

Many foreigners - especially from the East, and mainly from Ukraine - come to Poland with similar assumptions as Poles leaving for Ireland, Germany or other EU countries: they want to collect as much money as possible. Therefore, they often work 10-12 hours a day, taking up overtime work, but they also quit working for one employer quite quickly, looking for better employment conditions, or deciding to return to their homeland. The cost of high staff turnover is quite a challenge and a cost for employers, but it can be effectively prevented.

In addition to relatively standard job offers that include the provision of accommodation, it is becoming an increasingly common idea for employers to offer employment for couples. Then one of the main problems of emigrants is eliminated: the painful separation from loved ones.

Another idea - especially in the face of constant changes regarding restrictions on borders and canceled and restored restrictions on compulsory quarantine for travelers from outside the Schengen area, is to care for perfect and immediate communication with employees. In order to inform them as soon as possible about any changes to the quarantine (which often occur overnight) and to eliminate the phenomenon of e.g. sudden resignation from work of already recruited people.

In the case of foreigners, the information policy should also be enriched with the provision of any instructions or documents that may be useful, for example, when looking for a flat or concluding a lease agreement (e.g. a written confirmation of employment in a given company, which may be important for the landlord) or regarding obtaining a personal identification number (PESEL) by foreigners. Additionally - if possible - it is worth taking care of bilingual information and warning signs, e.g. in production halls. It is also necessary to remember about professional onboarding, i.e. introducing new employees to work, with an emphasis on their integration within the organizational culture of a given company, in addition to familiarizing employees with their new duties or procedures.

The third option for attracting employees - the most effective - is to compete with the amount of salary. Current analyses of Personnel Service show that as many as 14% of employers still offer staff from beyond the eastern border rates below the minimum salary. Almost every second company pays from PLN 18.3 to PLN 19 gross per hour of work (I would like to remind you that this year the minimum salary hourly rate is PLN 18.30 gross), and every fourth company offers Ukrainian employees from PLN 19.1 to PLN 21 gross for hour. In turn, 8% of employers pay Ukrainian citizens more than PLN 21 gross per hour. Whether it's a lot or little depends on the company and the industry. The most important thing is that the salary policy should not be discriminatory for any nation or gender, and that it supports economic activity, rather than causing problems.

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