

Request to table a written question (Rule 144): Poland's two-year Blue Card waits vs the 90-day deadline of Directive (EU) 2021/1883 — and draft law UD408

Dear Mr Śmiszek, Mr Brejza, Mr Sienkiewicz,

I write to you jointly as the Polish members of the LIBE Committee — because this dossier is yours, and because the instrument I am asking for is available only to Members of the European Parliament.

Here is what highly qualified third-country workers in Poland face today:

- Article 11(1) of Directive (EU) 2021/1883 requires a decision on an EU Blue Card application within 90 days. At the Silesian Voivodeship Office in Katowice the average wait for a residence card reached 658 days as of 6 July 2026 — up from 427 days in 2023, by the Interior Ministry's own table (reply to Sejm interpellation no. 18089); the national average stood at 341 days in the Ministry's October 2025 data. This is not a recent crisis: Poland's Supreme Audit Office found already in its 2019 audit (covering 2014–2018) that average legalisation times had grown from 64 days (2014) to 206 days (2018), with extremes over three years, naming the same causes — understaffing and underfunding; a problem diagnosed a decade ago has not been fixed but deepened.
- The special act on assistance to citizens of Ukraine suspends procedural time limits in residence proceedings and has been extended to 4 March 2027. For Ukrainian applicants this means no deadline exists at all.
- Draft law UD408 (Ministry of the Interior, July 2026) would introduce a positive decision by tacit approval after 60 days of administrative silence — but only for citizens of Australia, Japan, South Korea, the United States and the United Kingdom. The result: a US citizen gets a decision in 60 days by operation of law, while a Ukrainian — including a Blue Card holder protected by an EU directive — waits up to two years.
- While waiting, applicants hold only a Polish confirmation of a pending application, which border guards of other Schengen states do not recognise, so highly qualified specialists cannot travel for work with legal certainty. And digitisation is no answer: since 27 April 2026 filing is electronic-only via the MOS 2.0 portal, and e-filing works — but decisions do not come. The Ministry's own 6 July 2026 table shows processing times worsened versus 2023 in 15 of 16 voivodeships after MOS became mandatory, while the law mandating MOS (Sejm print no. 1630) allocated zero funds and zero posts — the voivodes' written requests for caseworkers were rejected: 'Uwaga nie została uwzględniona'.
- Poland transposed the Directive itself 18.5 months late (Article 31 deadline: 18 November 2023; implementing act Dz.U. 2025 poz. 619 in force 1 June 2025) — and transitional Article 20(4) of that act expressly keeps everyone whose Blue Card predates 1 June 2025 under the repealed employer-lock regime of the former Article 135, despite the directly effective Article 15 of the Directive. Eurostat shows the result: Germany issued 56,252 EU Blue Cards in 2024, Poland 5,853 — and the Polish count fell about 16% year-on-year exactly as its procedures seized up.

One pattern ties these facts together. The decade-old failure documented by Poland's Supreme Audit Office in 2019 hit all foreigners; the burdens added since 2022 are concentrated on one national group — citizens of Ukraine: suspended deadlines in their residence cases (until 4 March 2027), exclusion from the drafted tacit approval, the longest statutory clock for their only exit path (180 days for the CUKR permit against 60 days ordinary), a child-benefit activity test waived when the child holds Polish citizenship, retrospective Border Guard photo verification and border-crossing data feeds for those who held UKR status, and a presidential criminal bill aimed at symbols of their national identity (in committee since 17 July 2026). This concentration of burdens along the line of one nationality is a pattern, not an accident.

Under the current system the outcome is entirely predictable: Blue Card and ordinary work-permit holders alike are in that queue today.

I have one concrete request: that you table a written question to the Commission under Rule 144, asking (a) whether Poland's open-ended suspension of decision deadlines under the special act is compatible with

the mandatory 90-day deadline in Article 11(1) of Directive (EU) 2021/1883;

(b) whether the nationality-based tacit-approval scheme in draft law UD408 is compatible with the EU principle of non-discrimination and the legal migration acquis; and

(c) whether transitional Article 20(4) of the Act of 24 April 2025 (Dz.U. 2025 poz. 619), which keeps all Blue Cards issued before 1 June 2025 under the repealed pre-directive employer-lock regime, is compatible with Article 15 of Directive (EU) 2021/1883.

The substantive remedy I advocate in every forum is the same: extend the 60-day tacit-approval rule to all third-country nationals, including Ukrainians and EU Blue Card holders; end the open-ended suspension of deadlines in residence proceedings; and enforce the 90-day deadline of Directive (EU) 2021/1883.

My complaint to the Commission was filed on 10 August 2026 (SG-THEMIS confirmation of receipt; registration number pending). A written question from LIBE members is what turns a filed complaint into an answer on the record — and it is a rare, visible, cameras-ready opportunity to show that EU law is not a paper tiger: war-refugee taxpayers who help carry Poland's IT sector, treated worse than holders of a privileged passport, defended by their own MEPs.

I can provide the fully documented file — the Ombudsman's correspondence with the Interior Ministry (most recent letter of 1 June 2026), the Commission complaint confirmation, and press reports — and I am willing to speak on the record.

Yours sincerely,

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