

**An instruction for a foreigner about the rules and mode of conduct, his/her rights and obligations** in matters concerning the extension of the validity of a issued visa or a stay covered by that visa, granting a temporary residence permit, a permanent residence permit or a long-term residence permit in the European Union in accordance with art. 7, section 1, point 1 of the Act of December 12, 2013 on foreigners (Journal of Laws of 2018, item 2094, as amended).

**Note:** In the case of applying for the extension of the validity period of the visa issued or the period of stay covered by this visa the following chapters are given: I, II, III, and VIII.

In the case of applying for a temporary residence permit the following chapters are given: I, II, IV, VII, and VIII.

In the case of applying for a permanent residence permit the following chapters are given: I, II, V, VII, and VIII.

In the case of applying for long-term EU resident's residence permit the following chapters are given: I, II, VI, VII, and VIII.

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## CHAPTER I - HOW TO CORRECTLY FILL IN THE APPLICATION

**When filling in the application for permission to legalize your stay remember to:**

- **Fill it legibly in Polish;**
- **Complete all the required fields of the application** in accordance with the facts;
- Fill it in capital letters entered in the appropriate boxes;
- If you have provided **different personal data** in the past - inform about it in justification;
- **Provide the place of actual stay** where correspondence will be received;
- In the part concerning criminal records **indicate information about judgements issued against you and** in the event of uncertainty as to judgements issued, indicate that the procedure remains in progress (**Note: payment of fines** does not prove the fact that no criminal proceedings were initiated and no judgement was issued in the case);
- In the part concerning pending criminal proceedings or petty offences proceedings **provide information about all pending proceedings (e.g. not accepted fines)**
- Attach **proof of payment of the stamp duty** to the application;
- Attach **photographs taken in the appropriate format** to the application;
- sign the application with a handwritten **signature** and enter **the full name using Latin alphabet;**

**Note:** in the case of applying for a temporary residence permit for the purpose of family reunification for a foreigner residing outside the borders of the Republic of Poland (Article 159(1) of the Act on foreigners), the application, should be **signed by the foreigner living in Poland, and not a family member for whom the permit is to be granted;**

- Present a **valid travel document**. In particularly justified cases, **when you do not have** a valid travel document and **you are unable to obtain it, you can submit other document confirming your identity; NOTE: when submitting the application you should write detailed explanation why you are unable to obtain a travel document and list the actions that you have taken to get it.** You may be also required to provide documents confirming this.
- Attach any document that can confirm the information contained in the application and contribute to the immediate consideration of the case;
- If you have any doubts – **ask the voivodship office worker for help** or go to NGOs providing assistance to foreigners. **Information on the activities of these organizations can be found on information boards or in brochures available at the voivodship office.**

### 2.1 LEGAL BASIS

- Act of 12 December 2013 on foreigners (uniform text, Journal of Laws of 2017, item 2206 as amended).
- Act of 14 June 1960 - Code of Administrative Procedure (uniform text, Journal of Laws of 2017, item 1257).
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (OJ 243, 15.09.2008, p. 1 as amended).

### 2.2 CONDITIONS FOR THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND

A foreigner during the stay on the territory of the Republic of Poland is obliged to have a valid travel document and documents authorizing him/her to stay in the territory of the Republic of Poland, if required.

A foreigner may travel and stay in the territory of the Schengen states for a period not exceeding 90 days within any 180-day period if he/she has a valid **long-term visa** or a **valid residence card** issued by the Member State of the Schengen area and:

- has a valid travel document authorizing him/her to cross the border, valid for at least three months after the intended date of departure from the Schengen area (in justified and urgent cases, this criterion may be ignored) and issued within the period of the last 10 years,
- can justify the purpose and conditions of the intended stay and
- has sufficient resources or and the ability to obtain them legally, and
- is not considered a threat to public order, internal security, public health or international relations of any of the Member States, in particular, he/she has not been entered on this basis to national databases of the Member States for the purposes of refusing entry.

Furthermore, the foreigner's data should not appear on the national list of alerts for refusal of entry of a Member State.

The states of the Schengen area include: Austria, Belgium, Denmark, Finland, France, Greece, Spain, Luxembourg, the Netherlands, Germany, Portugal, Sweden, Italy, Estonia, Lithuania, Latvia, Malta Poland, Czech Republic, Slovakia, Slovenia, Hungary, as well as Switzerland, Liechtenstein, Norway and Iceland (the last 4 countries are Schengen countries not belonging to the EU).

**It should be emphasized that: Great Britain, Ireland, Cyprus, Croatia, Bulgaria and Romania are EU Member States which do not belong to the Schengen area.**

Holders of a **residence permit**, referred to in Article 1(2) (c) of the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format residence permits for third-country nationals (OJ L 157, 15.06.2002, p. 1, as amended), with an **annotation "ICT", issued by another Member State of the EU, including a country not belonging to the Schengen area**, may enjoy the mobility within the territory of the Republic of Poland for a period not exceeding the period of validity of this residence permit, consisting in performing work as a manager, specialist or internship employee in the host entity belonging to the same group of enterprises having their registered offices in the territory of Poland, including **short-term mobility for a period of up to 90 days in any 180-day period in the territory of**

**Poland, notwithstanding the possibility of using this mobility in other Member States of the EU, under certain conditions** (see point 4.6.4).

Holders of **residence permit** referred to in art. 1, point 2 (a) and Council Regulation (EC) No. 1030/2002 of 13 June 2002 establishing a uniform format for residence permits for third-country nationals (O.J. L 157 of 15 June 2002 page 1 as amended) or a **long-term visa** issued by another Member State of the European Union including a country not belonging to the Schengen area with an annotation:

- **"Student"** may enjoy the **mobility on the territory of the Republic of Poland in order to continue or supplement studies undertaken on the territory of another European Union member state within a period of 360 days** unless this period exceeds the validity period of the residence permit held under certain conditions (see point 4.6.7).
- **"Scientist "** may enjoy the mobility on the territory of the Republic of Poland in the period not exceeding the validity period of this residence permit consisting in conducting part of scientific research or development works in a research unit based in Poland including **short-term mobility for up to 180 days in any period of 360 days on the territory of Poland** regardless of the possibility of using this mobility in other EU Member States under certain conditions (see point 4.6.9).

A foreigner who is a **member of the family** of a holder of residence permit referred to in art. 1, point 2 (a) of Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" may also enjoy the mobility on the territory of the Republic of Poland including short-term mobility within 180 days in any period of 360 days on the territory of Poland regardless of the possibility of using this mobility in the other EU Member States under certain conditions (see 4.6.13).

A foreigner is **obliged to leave the territory of the Republic of Poland before the expiry of the period of stay covered by a Schengen visa or a national visa** and before the expiry of that visa, if he/she does not have the permit to continue staying in this territory.

A foreigner residing on the territory of the Republic of Poland under an international agreement on the obligation of visa requirement or unilateral abolition the obligation of visa requirement or to whom partial or total abolition visa requirement applies, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, is **obliged to leave the territory before the expiry of the period of the visa waiver** provided for in the international agreement, the unilateral abolition of the visa requirement or in the above Regulation, if he/she does not have the permit to continue to stay in the territory.

A foreigner is **obliged to leave the territory of the Republic of Poland before the expiry of a temporary residence permit**, if he/she does not have the permit to continue to stay in that territory, in particular, has not obtained another temporary residence permit or a permanent residence permit or a long-term resident's EU residence permit in the territory of the Republic of Poland.

A foreigner is **obliged to leave the territory of the Republic of Poland within 30 days** from the date on which **the decision refusing** extension of a Schengen visa or a national visa, a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit, **the decision to discontinue the proceedings** in these cases or **the decision to withdraw** his/her temporary residence permit, a permanent residence permit or long-term resident's EU residence permit or the decision to withdraw permission to stay for humanitarian reasons – has become final, and in the case of a decision issued by a higher body, from the date on which the final decision was delivered to a foreigner. **Note:** in the case of complying with this requirement **there is no need to issue the decision on obligation to return and to issue the entry ban.**

**Stay of a foreigner within the territory of the Republic of Poland in this period shall be deemed legal**, unless the request for an extension of a Schengen visa or national visa or granting him/her a temporary

residence permit, a permanent residence permit or a long-term resident's EU residence permit was filed after the expiration of his/her legal staying in the territory.

The above principles **shall not apply** in the case when before issuing the decision to refuse the extension of a Schengen visa or a national visa to a foreigner, granting him/her a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit or issuing the decision to discontinue the proceedings in these cases, **the proceedings were initiated against the foreigner concerning the obligation to return or the decision obliging him/her to return was issued.**

Stay on the Polish territory without the required visa, a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit, as well as performing work or starting a business enterprise in violation of applicable regulations may result in the decision **imposing the obligation to return with a ban on re-entry to Polish territory and the territory of other countries of the Schengen area for a period of 6 months to 3 years.**

### 2.3 REQUIREMENTS RELATED TO REQUESTS, DOCUMENTS, EXPLANATIONS, AND STATEMENTS

Applications, submissions and documents on matters concerning the legalization of stay of foreigners on the territory of the Republic of Poland should be:

- **written in Polish;**
- **originals or copies certified as being true copies** (instead of the original document, a party may submit a copy of the document, if it is certified as true copy by a notary or by a representative of the party who is a an attorney, solicitor, patent attorney or a tax adviser or an authorised employee of the authority conducting the proceedings (voivode) to whom the original document along with the copy was shown - **does not apply to identity documents (travel!)**);
- **translated into Polish by a sworn translator – in the case of documents drawn up in a foreign language**, serving as proof in the proceedings, e.g. foreign acts of the marital status, contracts etc. **Note:** the obligation to provide translation **does not apply to travel document.**

### 2.4 DEADLINE FOR ARRANGING THE CASE

**In accordance with applicable provisions of law, settlement of the case:**

- **Requiring investigation** - should take no more than a month,
- **Particularly complicated** – should take no more than two months from the date on which the proceedings were initiated,
- In **appeal proceedings** – should take no more than one month from the date of receipt of the appeal.

Settlement of the case concerning granting of a **temporary residence permit for the purpose of the intra-corporate transfer** and a **temporary residence permit for the purpose of using the long-term mobility temporary residence permit for the purpose of long-term mobility of a management employee, specialist or internship employee under intra-corporate transfer** should be completed within a period of **90 days** from the date of initiation of the proceedings. If the application do not include all necessary documents, the above mentioned deadline shall be suspended until the date of receipt by the voivode.

The settlement of a matter regarding the **granting of a temporary residence permit for the purpose of studying at upper education institution, temporary residence permit for the purpose of conducting scientific research, temporary residence permit for the internship employee and temporary residence**

**permit for a volunteer** should be completed within **60 days** of submitting the complete application. If the application does not include all necessary documents the above-mentioned deadline shall be suspended until the date of receipt of said documents by the voivode

**Settlement of the case concerning granting of a permanent residence permit or a long-term resident's EU residence permit** should be completed no later than within **3 months** from the date of initiation of the proceedings, in **appeal proceedings** – should be completed within **2 months** from the date of receipt of the appeal.

Prior to issuing a decision granting: a temporary residence permit /a permanent residence permit /a long-term resident's EU residence permit – **the competent voivode is obliged to ask the commander of the Border Guard, the Voivodship Police Commander, the Chief of the Internal Security Agency** and, if necessary, also other bodies, **to transfer information on whether the entry and stay of the foreigner on The territory of the Republic of Poland may pose a threat to national defence or security or public safety and order.** This requirement does not apply to children who are under the age of 13 on the day when the application is submitted.

Having regard to the fact that the above authorities are obliged to provide the requested information within 30 days, one should expect that **the proceedings will last more than 30 days.**

**The authority of first or second instance is obliged to notify the party of any case not settled within the above deadlines, giving reasons for the delay, indicating a new deadline for settling the case and informing the party of their right to file reminders.**

## 2.5 POWER OF ATTORNEY

**A party may act by proxy, unless the nature of the activity requires personal action. The proxy can be a natural person having capacity to perform acts in law.**

- the power of attorney should be **given in writing, in the form an electronic document or entered into the minutes** ;
- the power of attorney includes **an original or officially certified copy of the power of attorney;** in the files
- along **with** the power of attorney, the case file must include **a proof of payment of stamp duty in the amount of PLN 17;**
- in the case of special powers of attorney (**granted for proceedings listed in detail**) the granted power of attorney should authorise representation of the foreigner in a particular proceeding **both before the competent voivode and the Head of the Office for Foreigners** (if the foreigner wants to be represented also in the appeal proceedings).

Submission by a foreigner residing in the territory of the Republic of Poland of a request for granting a **temporary residence permit for the purpose of the family reunification** on behalf of a family member requires a written consent of that family member or his/her statutory representative, unless the applicant is his/her statutory representative. Giving the above-mentioned consent is tantamount to granting the foreigner residing in the territory of Poland **the power of attorney to act on behalf of a family member** in a given proceeding.

## 2.6 DELIVERING CORRESPONDENCE

All letters (notifications, calls, decisions, provisions etc.) are delivered against receipt **by a postal operator** or by the officials of the authority of first or second instance or other authorised persons or bodies.



**Letters are delivered to the address indicated by the party or to any place where they can be found.**

Letters to foreigners who are deprived of their liberty, are delivered by the administration of the penitentiary in which they are residing.

Letters are also delivered **by electronic communication means** within the meaning of art. 2, point 5 of the Act of July 18, 2002 on the provision of electronic services if a party or other participant in the proceedings meets one of the following conditions:

He/she will submit the application in the form of an electronic document by the electronic delivery box of the public administration body;

He/she will apply to the public administration authority for such delivery, and will indicate electronic address to the public administration body;

He/she will consent to the delivery of letters in the proceedings by means of these means and will indicate electronic address to the public administration body.

The public administration body may ask the party or other participant of the proceedings to **consent to delivery of letters in the form of an electronic document** in other categories specified by the authority of individual cases handled by that authority.

The public administration body may request consent to the delivery of letters via this electronic communication means sending this request via electronic communication means to the electronic address of the party or other participant in the proceedings. The above-mentioned article does not apply art. 46 § 3-8 of the Code of Administrative Procedure.

If the party or other participant in the proceedings resigns from the delivery of letters via electronic communication means the public administration body delivers the letter in the manner specified for the letter in a form other than the form of an electronic document.

#### **CHANGE OF ADDRESS**

In the course of proceedings, the parties (foreigners) and their representatives and proxies are **obliged to inform the authority before which their case is pending about any change to the address**. During the proceedings, letters are always sent to the address for delivery which was last indicated to the authorities.

- **In the case of negligence of the above-mentioned obligation, the submission of the letter to the previous address is considered effective (e.g. in the case of such delivery of the decision the time limit for filing appeal shall run even if the foreigner or his/her representative actually did not receive this decision due to a change of address)**
- **ABSENCE OF ADDRESSEE:** in the absence of the addressee at the address indicated, a letter is delivered, against receipt, to an adult member of the household, a neighbour or a caretaker, if they undertake to give the letter to the addressee. The delivery of a letter to a neighbour or a caretaker shall be notified to the recipients by placing a notice in a mailbox or if it is not possible, at the door of the apartment.

#### **LETTERS ARE DELIVERED:**

- **To the Party, i.e. the foreigner,** at the **address** indicated by him/her, and when he/she acts through a representative (e.g. guardian) - to that representative.
  - **The party is obliged to acknowledge receipt of the letter with his/her signatures indicating the date of receipt.** If the party evades delivery confirmation, the person serving the letter will determine the date of service on his/her own and will indicate the person who received the letter and the reason for the lack of signature.

- **If the party refuses to accept the** letter sent by mail or delivered in another way, the letter will be returned to the sender with a note on refusal of acceptance and the date **of refusal**. In this case, it is considered that the letter was delivered on the day of refusal of its acceptance by the addressee.
- **To the Representative: If the party has appointed a representative, the letters shall be delivered to the representative.** If **several representatives** have been appointed, the Party shall appoint one of them as competent for the service and notify the authority conducting the proceedings about this fact. **If the foreigner fails to appoint such a representative,** the letters shall be delivered to only one representative. **The same rules of acknowledgement of receipt of letters apply to the representative and the party.**

**IN THE CASE OF FAILURE TO DELIVER THE LETTER IN A WAY INDICATED ABOVE:**

- **The postal operator keeps the letter for a period of 14 in its post office** – if the letter is to be delivered by mail;
- The letter is to be submitted for a period of 14 days at the office of the competent municipality (city) – if the letter was delivered by an employee of the municipal office (city), or an authorized person or body.

The notice of leaving the letter with information about the possibility of collecting it within 7 days from the date of leaving the notice is placed in the mailbox, or, if it is not possible, at the door of the addressee's apartment, his/her office or any other room in which the addressee performs its professional activities, or in a conspicuous place at the entrance to the addressee's property.

In the case of failure to collect the letter in the above time, another notice is left stating the possibility of collecting the letter **no later than 14 days from the date of the first notice.**

**Delivery shall be deemed effective at the end of the last day of the above-mentioned period, and the letter will be kept in the case files.**

**ELECTRONIC DELIVERY**

In order to **deliver a letter in the form of an electronic document** the public administration body sends to addressee's e-mail address a notification containing the following:

- 1) An indication that the addressee may receive a letter in the form of an electronic document;
- 2) An indication of the electronic address from which the addressee may download the letter, and under which he/she should confirm the delivery of the letter;
- 3) Instruction on the method of receipt of the letter, and in particular the method of identification at the indicated electronic address in the ICT system of the public administration body, as well as information on the requirement to sign the official acceptance certificate in a specific manner.

In the case of **failure to collect the letter in the form** of an electronic document a public authority body, after **7 days** from the date of dispatch of the notice, sends repeated notice on the possibility of receiving the letter.

In the event of failure to collect the letter the delivery **shall be deemed to have been effected after 14 days** from the date of sending the first notification

**2.7 DELIVERING CORRESPONDENCE IN THE CASE OF A TRIP ABROAD**

- In the case of **a trip abroad, except for a trip to another EU Member State,** one should indicate a person who resides in Poland and will receive correspondence on the foreigner's behalf (the

so-called **representative for handling the mail in the country**) and **notify about this fact the authority** conducting the proceedings, unless delivery is effected via electronic communication means. In the case of failure to comply with this obligation, the letter shall be deemed delivered to the current address.

- **The party residing abroad** or having **its registered office abroad**, if it has not appointed a representative to conduct the case who resides in the country, or delivery is not effected via electronic communication means, is obliged to indicate a representative responsible for handling mail in Poland. In the case of **failure to indicate a representative for service in Poland** letter to the party will be left in the case files with the effect of service.

## 2.8 REQUIREMENT OF KEEPING THE DEADLINE

**Wnioski i podania sporządzone w języku polskim składa się w określonym dla dokonania danej czynności terminie.**

**Termin do dokonania określonej czynności uważa się za zachowany, jeżeli przed jego upływem pismo zostało:**

- Sent **in the form of an electronic document** to the public administration body and the sender received the official confirmation of receipt;
- Posted **at the Polish post office of the designated operator** within the meaning of the Act of 23 November 2012-Postal Law;
- Submitted to **the Polish consular office**;
- Submitted by a soldier at the headquarters of a military unit;
- Submitted by a crew member to the ship's captain;
- Submitted by a detained person to the administration of a penal institution;
- Submitted by a foreigner placed in a guarded centre or in an arrest for foreigners to the administration of this centre or arrest.

**Letters can also be submitted directly to the authority examining the case.**

**The designated operator within the meaning of the Act – Postal Law is Poczta Polska Spółka Akcyjna.**

**Furthermore, the date of a given activity shall be:**

- in the case of delivery by a **foreign postal service** – the date of receipt by **the Polish postal service of the designated operator** (date of postmark of the Polish postal service);
- in the case of delivery **by other postal operators than the designated operator (Poczta Polska Spółka Akcyjna) or by the courier company** (letter posted both in Poland and abroad) – **the date of receipt by the authority.**

**In the case of failure to meet the deadline prescribed in the call, a foreigner may, within 7 days following expiration of causes of the failure to meet the deadline, file a request to restore the deadline. The foreigner should be able to substantiate that the failure to meet the deadline was not due to his/her fault. At the time of the request payment of request, the foreigner should supplement the documents that were listed in the call or make the activities listed therein.**

## 2.9 GETTING ACCESS TO THE CASE FILE

- **At any stage of the proceedings the party has the right to inspect the case files, make notes, copies (e.g. photos) or duplicates. This right applies also after the end of the proceedings.**
- The party may request to authenticate duplicates or copies of the case files, or to be given certified copies of the case files, if it is **justified by the party's important interests**.
- **Stamp duty for the certificate of conformity for a duplicate or a copy of the document requested from case files for each full or started page amounts to PLN 5.**
- **The above-mentioned principles shall not apply to case files containing information classified as "secret" or "top secret", as well as to other files that the public administration authority will exclude due to important state interests.**
- **Active participation in the proceedings.** Public administration authorities are obliged to ensure active participation at each stage of the proceedings for the parties and, prior to the issuing of the decision, to make it possible for them to express their opinion on the evidence and materials collected, as well as requests submitted.
- The party may **familiarize themselves** with the case evidence, supplement the application submitted and make a statement to the minutes.

## 2.10 STAMP DUTY

**Obowiązek zapłaty opłaty skarbowej za poszczególne formy legalizacji pobytu powstaje z chwilą złożenia wniosku do wojewody.** Opłatę skarbową uiszcza się na rachunek właściwego organu podatkowego, którym jest **wójt (burmistrz, prezydent miasta)**. Składający wniosek lub inne podanie zobowiązany jest załączyć dowód zapłaty należnej opłaty skarbowej.

Opłacie skarbowej podlega m. in.:

- Granting temporary residence permit – PLN 340
- Granting permit for temporary residence and work – PLN 440
- Granting permit for temporary residence for the purpose of performing work in a profession requiring high qualifications – PLN 440
- Granting permit for temporary residence for the purpose of intra-corporate transfer – PLN 440
- Granting a temporary residence permit for the purpose of long-term mobility of a managerial, specialist or internship employee as part of an intra-corporate transfer – PLN 440
- Granting temporary residence permit for the purpose of seasonal work – PLN 170
- Granting permanent residence permit – PLN 640
- Granting long-term resident's EU residence permit – PLN 640
- Granting extension of a national visa – PLN 406
- Granting optional extension of the Schengen visa – EUR 30
- Decision other than the above, to which the provisions of the Code of Administrative Procedure apply – PLN 10

- Issuance of a certificate – PLN 17
- Submission of a document confirming the power of attorney or its extract, excerpt or copy – PLN 17

**If the party does not pay the stamp duty when submitting an application, the authority conducting the proceedings shall fix a deadline to pay this amount. This deadline may not be less than 7 days and more than 14 days. If the amount due is not settled within the specified time limit, the application is returned.** A detailed list of items subject to stamp duty, its rate and exemption can be found in the Annex to the Act of 16 November 2006 on stamp duty (**uniform text, Journal of Laws of 2016 item 1827, as amended**)

RETURN OF STAMP DUTY
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The return of stamp duty is made at the request of the party in situations where despite the payment of stamp duty there has been no official activity, and no certificate or permit have been issued. Stamp duty is not refundable after **five years** from the end of the year in which the payment was made. Pursuant to Article 12 (1) of the Act quoted above, the tax authority competent in matters of stamp duty is **the commune head (mayor, city president)**.

### 3.1 AUTHORITY CONSIDERING THE APPLICATION

The application for **extension of Schengen visa or a national visa** shall be submitted to the **voivode with jurisdiction over the place residence of the foreigner**.

### 3.2 EXTENSION OF A NATIONAL VISA

A foreigner residing on the territory of the Republic of Poland can extend the validity of the national visa (with symbol D) issued **by Polish authority** or the period of stay covered by this visa, if the following conditions are jointly met:

- 1) It is in an **important professional or personal interest** of a foreigner, or because of **humanitarian reasons** he/she cannot leave the territory before the expiry of the national visa or before the end of the period of stay covered by this visa;
- 2) Events which are the cause of applying for extension of the national visa are **independent of the will of the foreigner** and were not foreseeable at the date of submitting the application for the national visa;
- 3) Circumstances of the case do not indicate that **the purpose of** a foreigner's stay on the territory of the Republic of Poland would be **different than the declared one**;
- 4) There are no circumstances to refuse the issue of a national visa.

### PERIOD OF STAY

National visa **may be extended once**. The period of stay on the territory of the Republic of Poland on the basis of extended national visa shall not exceed the period of stay envisaged for a national visa, i.e. 1 year (including the period of stay on the basis of a visa to be extended).

#### Stay in a hospital

A foreigner staying in a hospital whose health status precludes the possibility of leaving the territory of the Republic of Poland, is granted extension of the validity of the national visa or the residence period covered by this visa to the date on which his/her health status will allow him/her to leave this territory.

**NOTE: The validity period does not always correspond to the period of stay authorised by the visa.**

### 3.3 EXTENSION OF A SCHENGEN VISA

Schengen visa (symbol C) issued by **the Polish authority or the authority of another country of the Schengen area** and valid also in Poland or the period of stay covered by this visa **can be extended** to a foreigner residing on the territory of the Republic of Poland if:

- The foreigner has shown that **due to force majeure or for humanitarian reasons** it is not possible for him/her to leave the territory of the Member States before the expiry of a visa or before the end of the authorized period of stay.
  - **The aforementioned extension of visa is free of charge.**
- The foreigner provides a proof of **important personal reasons** justifying the extension of the validity period or the period of stay.
  - **The above extension costs EUR 30.**

## PERIOD OF STAY

A foreigner who intends to extend the stay on the basis of:

- Schengen visa
- national visa

is obliged to submit an application for visa extension to the voivode competent for the place of his/her residence **no later than at the date of expiry of the period of his/her legal stay** on the territory of the Republic of Poland.

If the foreigner has applied for the extension of a Schengen visa or a national visa after the date referred to above initiation of proceedings on the extension of this visa **is refused**.

A foreigner who has applied for a visa extension within the above time limit, receives a **stamp** in the travel document, which confirms the submission of the application. If the deadline for submission of the application has been observed and the application has no formal defects formal defects have been completed on time, the foreigner's stay on the territory of the Republic of Poland shall be deemed legal from the date of submission of the application until a final decision on the extension of a Schengen visa or a national visa.

If **the proceedings** on the extension of a Schengen visa or a national visa are **suspended at the request of the foreigner**, his/her **stay** at that time **will not** be considered **legal**.

### NOTE:

**A stamp in the travel document does not entitle a foreigner to travel within the territory of the Schengen area, but the foreigner may go to the country of origin.**

## 3.5 THE DECISION

Rozstrzygnięcie w sprawie przedłużenia wizy Schengen lub wizy krajowej następuje w drodze decyzji. Przedłużoną wizę Schengen lub wizę krajową zamieszcza się w dokumencie podróży w formie naklejki.

## 3.6 DOCUMENTS

A foreigner applying for extension of: a Schengen visa or a national visa is obliged to: submit a completed **application form** for the extension of a Schengen visa or a national visa, present a valid **travel document**, justify **the application** and attach to the application:

1. **1 photograph** that is undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.

The photograph has to show the person without any headgear or dark glasses.

In the case of application for the extension of a Schengen or national visa, the foreigner with congenital or acquired vision defects may attach a photograph showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability. A foreigner wearing a headgear according to the rules of his/her religion can attach a photograph showing him/her in the headgear, provided that the face is fully visible. In such a case, the

application shall also be accompanied by the foreigner's statement about membership of a religious community.

In justified cases, the application can be accompanied by a photograph depicting the foreigner with his or her eyes closed, other than a natural facial expression or with the mouth open.

## 2. Documents confirming:

- **Purpose and conditions of the stay**, including the need to extend a Schengen visa or a national visa;
- Having sufficient **funds** to cover the living costs for the entire period of intended stay on the territory of the Republic of Poland and a return trip to the country of origin or residence or for transit to a third country, which grants permission to enter, or the possibility of acquiring such funds in accordance with the law;
- The credibility **of the declaration of intention to leave Polish territory** before the expiry of the visa;
- **Having health insurance** within the meaning of the Act of 27 August 2004 on health care services financed from public funds or having travel medical insurance with a minimum amount of insurance in the amount of EUR 30,000, valid for period of intended stay of a foreigner on the territory of the Republic of Poland, covering any expenses which may arise during his/her stay on the territory of in connection with the necessity of return travel for medical reasons, urgent need of medical attention, emergency hospital treatment or death, in which the insurer agrees to cover the costs of health care benefits provided to the insured directly to the entity providing such benefits on the basis of a bill issued by this entity - in the case of extension of a national visa;
- **Having travel medical insurance** with a minimum amount of insurance of EUR 30.000, valid for the period of intended stay and throughout the territory of the Schengen area, covering any expenses referred to above - in the case of extension of a Schengen visa;
- Other circumstances provided in the application.

<b>REQUIREMENTS FOR TRAVEL DOCUMENT:</b>
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**A foreigner applying for extension of a Schengen visa or a national visa presents for inspection a travel document which meets the following criteria:**

- 1) **Validity** of the travel document expires no earlier than **3 months** after the expiry of the requested visa (unless there is an urgent case justified by the legitimate interest of the foreigner);
- 2) It contains at least **two blank pages**;
- 3) It has been **issued in the past 10 years**.



An application for granting temporary residence permit can be submitted if there are circumstances justifying the stay on the territory of the Republic of Poland for a **period longer than 3 months**, with the exception of a temporary residence permit granted due to circumstances that require a short-term stay and a permit for temporary stay for the purpose of the seasonal work.

### 4.1 PURPOSE OF STAY FOR WHICH TEMPORARY RESIDENCE PERMIT IS OR CAN BE GRANTED

**1. PERMIT FOR TEMPORARY RESIDENCE AND WORK** when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work

**2. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS** when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work requiring high qualifications

**3. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF INTRA-CORPORATE TRANSFER** when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work in the host entity having their registered office on the territory of the Republic of Poland, as a manager, specialist or internship employee as part of the intra-corporate transfer company

**4. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY AS A PART OF THE INTRA-COMPANY TRANSFER**, where the foreigner's stay ON the territory of the Republic of Poland is short-term mobility of a manager specialist or employee taking an internship as a part of an intra-corporate transfer or long-term mobility of managerial, specialist or internship employee as part of an intra-corporate transfer

**5. PERMIT FOR A TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK FOR A FOREIGNER POSTED BY A FOREIGN EMPLOYER TO THE REPUBLIC OF POLAND** when the purpose of the foreigner's stay in Poland is performing work by a foreigner delegated to Poland by the foreign employer

**6. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING BUSINESS ACTIVITY** when the purpose of the foreigner's stay on the territory of the Republic of Poland is conducting business activity under the applicable regulations in this regard in that territory

**7. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF STUDYING AT HIGHER EDUCATION INSTITUTION** when the purpose of his/her stay on the territory of the Republic of Poland is to take up or continue studies at the unit conducting the study approved by the minister competent for internal affairs unless this unit is not subject to the approval requirement or in the unit conducting the studies

which is not subject to approval in relation to which a decision was issued prohibiting the admission of foreigners. **STUDENT MOBILITY.**

**8. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING RESEARCH** is granted to a foreigner who is a scientist, when the purpose of his/her stay on the territory of the Republic of Poland is conducting research at research unit having its registered office on the territory of the Republic of Poland approved by the minister competent for internal affairs.

**9. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND A LONG-TERM MOBILITY OF THE SCIENTIST** when the purpose of a foreigner's stay on the territory of the Republic of Poland is to enjoy short-term or long-term mobility of the scientist.

**10. A PERMIT FOR A TEMPORARY RESIDENCE FOR AN INTERNSHIP EMPLOYEE** is granted to a foreigner when the purpose of his stay on the territory of the Republic of Poland is to complete an internship at the internship organizer approved by the minister competent for internal affairs.

**11. TEMPORARY RESIDENCE PERMIT FOR A VOLUNTEER** is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to participate in the European Voluntary Service

**12. TEMPORARY RESIDENCE PERMIT FOR FAMILY MEMBERS OF POLISH CITIZENS** is granted to a foreigner who remains in a marriage with Polish citizen recognized by Polish law or a foreigner who is a minor child of a foreigner who is married to a Polish citizen, and who has a temporary residence permit for a family member of a Polish citizen or a permanent residence permit granted due to being married to a Polish citizen

**13. RESIDENCE PERMIT FOR TEMPORARY RESIDENCE FOR FAMILY MEMBERS OF FOREIGNERS** is granted to a foreigner who remains in marriage recognised by the law of the Republic of Poland with foreigner residing on the territory of the Republic of Poland on a specified basis or is a minor child of the foreigner or a minor child of a foreigner who is married to a foreigner residing on the territory of the Republic of Poland. **STAY OF THE FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY OF THE FAMILY MEMBER OF THE SCIENTIST.**

**14. STAY ON POLISH TERRITORY OF FOREIGNERS WHO ARE VICTIMS OF TRAFFICKING.** A foreigner, in respect to whom there is a presumption that he/she is a victim of trafficking within the meaning of Article 115 (22) of the Criminal Code, is issued a certificate confirming the existence of this presumption. Temporary residence permit for victims of trafficking is granted to a foreigner if all of the following conditions are met: 1) the foreigner resides on the territory of the Republic of Poland, 2) he/she began cooperating with the authority running the criminal proceedings for the offence of human trafficking, 3) he/she terminated contacts with persons suspected of committing the above crime.

**15. PERMIT FOR TEMPORARY RESIDENCE DUE TO CIRCUMSTANCES REQUIRING THE SHORT-TERM STAY** may be granted to a foreigner if: 1) he/she is obliged to appear in person before the Polish public authority, or 2) the presence of the foreigner on the territory of the Republic of Poland is required by its exceptional personal situation, or 3) the presence of the foreigner on the territory of the Republic of Poland is required in the interest of the Republic of Poland

**16. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF SEASONAL WORK** is granted when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work, referred to in Article 88(2) of the Act of 20 April 2004 on Promotion of Employment and Labour Market Institutions, at the entity so far delegating performance of work or at of another entity delegating performing work, and the foreigner has the permit for seasonal work or the extension of a permit for seasonal work

**17. PERMIT FOR TEMPORARY RESIDENCE DUE TO OTHER CIRCUMSTANCES** is granted or may be granted due to various circumstances. It is granted, among others, to other long-term residents of the EU from other Member States and to the members of their families. The above permit may also be granted if, for example, the purpose of a foreigner's stay in Poland is education or vocational training, to graduates of Polish universities and scientists who have completed research or development in Poland seeking work in Poland or planning to start a business, and living in Poland with their family

#### 4.2 ADDITIONAL REQUIREMENTS RELATED TO APPLICATION

A foreigner submits the application for temporary residence permit **in person**, except for the application for temporary residence permit for the purpose of **family reunification on behalf of the foreigner residing outside the borders of Poland**, the application for granting temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** no later than **on the last day of his/her legal stay** on the territory of the Republic of Poland. If the application for a temporary residence permit has not been submitted by the foreigner personally, **e.g. sent by post, the voivode requests foreigner to appear in person** within a period of not less than 7 days under pain of leaving the application without consideration.

Application for temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** shall be submitted **by the host entity**. The host entity submits an application for granting **another permit for work as part of the intra-corporate transfer** and **for a temporary residence permits to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer**, no later than on the last day of the legal stay of a foreigner on the territory of the Republic of Poland.

In the case of a foreigner who is:

- 1) **A minor** – application for temporary residence permit is submitted by parents or guardians appointed by the court or by one of the parents or one of the guardians appointed by the court;
- 2) **A totally incapacitated person** – application for temporary residence permit submitted by a guardian appointed by the court;

3) **An unaccompanied minor** – application for temporary residence permit is submitted by the guardian.

When submitting an application for temporary residence permit by a foreigner who is a minor who on the day of submitting the application **is over 6 years old, his/her presence is required.**

When submitting an application for temporary residence permit by a foreigner who is a minor who on the day of submitting the application **is over 6 years old, his/her presence is required.**

**When applying for a temporary residence permit the foreigner must submit fingerprints in order to issue a residence card.**

This obligation **does not apply to foreigners:**

- Who at the time of submitting an application **are under 6 years of age, or**
- From whom taking fingerprints **is physically impossible, or**
- Who apply for a temporary residence **permit for the purpose of family reunification** and who at the time of submitting an application for a temporary residence permit stayed outside the borders of the Republic of Poland (**see point 4.6.13, point I**) or
- Who apply for a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer and temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** (see point 4.6.3 and 4.6.4).

**If the foreigner does not submit fingerprints in order to issue a residence card, when applying for a temporary residence permit or within the time fixed by the voivode, the authority refuses to initiate proceedings for granting permit.**

Fingerprints are taken **when submitting an application for a residence card** in the case of:

- **A temporary residence permit for the purpose of family reunification**, when a foreigner at the time of submitting an application for granting this permit was staying outside the borders of the Republic of Poland;
- **A temporary residence permit for the purpose of performing work as part of the intra-corporate transfer;**
- **A temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer;**
- **In the case of a foreigner who is a member of the immediate family of the repatriate.**

Data in the form of fingerprints taken in order to issue a residence card **shall be kept in appropriate registers until receipt of the residence card is entered in these registers by the issuing authority, after the issue of a residence card the data are deleted.**

In the case of a **decision to refuse** granting a temporary residence permit, the data in the form of fingerprints are stored in the above-mentioned registers, **until information about these decisions is entered in the registers**, when these decisions have become binding.

If the deadline for submission of the application has been observed and the application has no formal defects or it has been corrected on time, the voivode puts a **stamp** in foreigner's travel document which confirms the submission of the application. If the deadline for submission of the application has been observed and the application has no formal defects or they have been corrected on time **the stay of the foreigner is considered to be legal from the date of submission of the application until the date on which the decision on granting a temporary residence permit becomes final (e.g. within 14 days of its receipt, if no appeal is filed).**

If **the proceedings** on granting a temporary residence permit are **suspended at the request of the foreigner**, his/her **stay** at that time **will not** be considered **legal**.

If the host unit submits an application for granting a temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** to a foreigner who is residing outside the territory of the Republic of Poland, the above rules concerning the legal stay during the procedure, except for the suspension of proceedings at the request of the party shall apply accordingly in the event of a legal entry of the foreigner on the territory of the Republic of Poland after submission of the application.

**NOTE:**

**Putting a stamp in the travel document does not entitle the foreigner to travel within the territory of other countries of the Schengen area, while the foreigner can go to the country of origin, but in order to return to Poland he/she should get a visa if comes from a country requiring a visa.**

#### 4.3 OTHER IMPORTANT INFORMATION

In the proceedings for granting or withdrawing a temporary residence permits **the only party to the proceedings is the foreigner**, except for proceedings for granting or withdrawing a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer**.

In the proceedings for granting a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** the party to the proceedings **is the host entity only**.

In the proceedings for withdrawal of a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** the party to the proceedings **is the foreigner and the host unit**.

A foreigner who has been granted a temporary residence permit is obliged to **notify the voivode who granted this residence permit, within 15 working days, of the termination of the cause for granting the permit**. If a temporary residence permit was granted by the **Head of the Office for Foreigners** in the second instance, the above notification is directed to the **voivode who ruled on granting this residence permit in the first instance**.

A temporary residence permit **shall expire by virtue of law** on the date the foreigner is granted another temporary residence permit, a permanent residence permit, a long-term resident's EU residence permit or the Polish citizenship.

#### 4.4 AUTHORITY CONSIDERING THE APPLICATION

The application for a temporary residence permit shall be submitted to the **voivode relevant for the foreigner's place of residence**.

The application for a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** shall be submitted to the **voivode relevant for the registered office of the host entity**.

If the application for a temporary residence permit to a family member of the foreigner for the purpose of family reunification has been submitted on the same day or within 3 days from submitting the application for **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** or a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer**, the permit for the purpose of family reunification is granted or refused by the voivode competent for the registered office of the host entity.

#### 4.5 DOCUMENTS

A foreigner is obliged to:

- present a **valid travel document**. In a particularly justified case, when a foreigner does not have a valid travel document and has no possibility to obtain it, he/she may present **another document confirming his/her identity**. **When submitting the application, the foreigner should write a detailed explanation on why he/she is unable to obtain a travel document and list the actions that he/she has taken to obtain it**. He/she may also be asked to provide documents as evidence confirming these actions. **The identity document, presented instead of a travel document, should unequivocally identify the foreigner.**
- submit a **completed application form** and attach to the application:
  - **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.  
The photographs should show the person without any headgear or dark glasses.  
A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.  
A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.  
In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.

**Note – the lack of any of the above-mentioned documents is the formal defects of the application, which in the case of not correcting it after a call by the voivode responsible for the case will result in leaving the application without consideration.**

- **documents necessary to confirm the data contained in the application** and circumstances justifying application for a temporary residence permit;
- **proof of payment** of stamp duty;
- evidence of **health insurance** (e.g. insurance or certificates from the Social Security Institution) within the meaning of the provisions of the Act of 27 August 2004 on health care services financed from the public funds, or confirmation of coverage by the insurer of the costs of medical treatment on the territory of the Republic of Poland. The above documents should be attached in the case of applying for: permit for a temporary residence and work (point 1), permit for a temporary residence for the purpose of work in a profession requiring

high qualifications (point 2), permit for a temporary residence for the purpose of work as part of the intra-corporate transfer (point 3), a temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer (point 4), permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Poland (point 5), permit for temporary residence for the purpose of conducting business activity (point 6), permit for a temporary residence for the purpose of conducting research studying at higher education institutions (point 7), permit for a temporary residence for the purpose of conducting research (point 8), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for the internship employee (point 10), temporary residence permit for a volunteer (point 11), permit for a temporary residence for family members of foreigners (point 13), permit for a temporary residence for the purpose of seasonal work (point 16), permit for a temporary residence due to other circumstances (point 17);

- **documents confirming a stable and regular source of income** (e.g. personal income tax return with the amount of income, certificates from the Social Security Institution etc.) sufficient to cover the costs of living for oneself and for family members dependent on him/her. The amount of monthly income should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance (uniform text, Journal of Laws of 2017, item 1769, as amended), with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 528 for people in the family or PLN 701 for singles). The above documents should be attached in the case of applying for: permit for a temporary residence and work (point 1); permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Republic of Poland (point 5), permit for a temporary residence for the purpose of conducting business activity (point 6), permit for a temporary residence for family members of foreigners (point 10), permit for a temporary residence for the purpose of seasonal work (point 13), permit for a temporary residence due to other circumstances, such as vocational training (point 14);
- **Documents confirming possession of sufficient funds to cover the costs of living and return to the country of origin or residence or the transit to a third country, which grants permission to enter** (e.g. traveller's checks, certificates of credit card limits, information on awarded scholarships, etc.). The above documents should be attached in the case of applying for: permit for a temporary residence for the purpose of studying at higher education institutions (point 7), permit for a temporary residence for the purpose of conducting research (point 8), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for the internship employee (point 10), temporary residence permit for a volunteer (point 11). The amount of monthly income to cover the costs of living should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance, with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 528 for people in the family or PLN 701 for singles). It is considered, that the above-mentioned **costs of residence** include at least the amount of fixed fees related to the use of occupied premises in the settlement for the number of people residing in the premises, as well as fees for supplies to the premises of energy, gas, water, and collection of sewage, waste and liquid waste. The minimum amount of funds to cover the costs of return travel to the country of origin or residence or the costs of transit to a third country that will grant permission to enter, and documents that can confirm obtaining the required financial resources are specified in separate implementing regulations to the Act on foreigners.
- **Documents confirming possession of sufficient funds to cover the costs of living and return to the country of origin or residence or the transit to a third country, which grants permission to enter** (e.g. traveller's checks, certificates of credit card limits, information on awarded scholarships, etc.). The above documents should be attached in the case of

applying for: temporary stay due to other circumstances in order to complete or continue studying (point 17). The amount of monthly income to cover the costs of living should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance, with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 528 for people in the family or PLN 701 for singles). The minimum amount of funds to cover the costs of return travel to the country of origin or residence or the costs of transit to a third country that will grant permission to enter, and documents that can confirm obtaining the required financial resources are specified in separate implementing regulations to the Act on foreigners.

- **Documents confirming a place of residence on the territory of the Republic of Poland (e.g. certificate of registration or tenancy agreement)** should be attached in the case of applying for: permit for a temporary residence and work (point 1); permit for a temporary residence for the purpose of performing work as part of the intra-corporate transfer (point 3), a temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer (point 4), permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Republic of Poland (point 5), permit for a temporary residence for the purpose of conducting business activity (point 6), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for the internship employee (point 10), temporary residence permit for a volunteer (point 11), permit for a temporary residence for family members of foreigners (point 13), permit for a temporary residence due to other circumstances (point 17).

#### EXCEPTIONS

In the case of a temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** the application is submitted by **the host unit** which is obliged to present the required documents. Furthermore, the host unit presents a **copy of a valid travel document** of a foreigner.

**The requirement for submission of documents confirming having: stable and regular source of income, health insurance and the place of residence does not apply to**, among others: spouses of Polish citizens and victims of human trafficking.

#### APPLICATION FORM

In the case of applying by a foreigner for a permit for **temporary residence and work**, a permit for temporary residence for the purpose of **work in a profession requiring high qualifications** or a temporary residence permit for the purpose of **conducting business activity**, if the purpose of the foreigner's stay is to perform work by holding a position in the management board of a limited liability company or a joint stock company that he/she established or whose shares or stock he/she acquired purchased or running a limited partnership or limited-joint stock partnership by a general partner, or acting as a proxy along with the application form for a temporary residence permit should be attached to **Annex No 1** filled out by **the entity entrusting work to the foreigner** (the employer).

In addition, in the case of applying for a temporary residence permit for the purpose of **work in a profession requiring high qualifications** a foreigner is obliged to attach **Annex No 2** to the application.

If a foreigner applies for a temporary residence permit or a temporary residence permit for a **volunteer** the foreigner is obliged to attach **Annex No. 3** to the application form.

A foreigner applying for a temporary residence permit for the purposes of **conducting scientific research** or temporary residence permit for **long-term mobility of the scientist**, **Annex 4** should be attached to the application form



In the case of a temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and a temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee as part of an intra-corporate transfer** the application for the above-mentioned permits shall be submitted on a specially designed application form.

## 4.6 DETAILED REGULATIONS RELATED TO TEMPORARY RESIDENCE PERMISSIONS

### 4.6.1. PERMIT FOR TEMPORARY RESIDENCE AND WORK

A foreigner should meet the conditions concerning having **health insurance, a stable and regular source of income** sufficient to cover the costs of living for oneself and for family members dependent on him/her and **a place of residence on the territory of the Republic of Poland** (see point 4.5)

In the proceedings for **granting or changing** a permit for temporary residence and work the foreigner should **attach information of the starost competent for the main place work of a foreigner on the lack of possibility to meet the employer's HR needs on the local labour market.**

This information is requested by the **entity offering work** to the foreigner (the employer).

**This requirement does not apply if:**

- 1) The profession of the foreigner or the type of work that is entrusted to him/her can be found on **the list of occupations and types of work** for which issuing work permit does not require taking into account the above-mentioned information of the starost (**Article 10(4) (1) of the act of 20 April 2004 on employment promotion and labour market institutions**), or
- 2) The foreigner immediately before submitting the application had work permit or permit for temporary residence and work with the same employer for the same job, or
- 3) A foreigner in the period of three years before the application for permit, graduated from a university with seat on the territory of the Republic of Poland or within another country of the European Economic Area or the Swiss Confederation or participates in PhD studies in Poland, or
- 4) A foreigner stays on the territory of the Republic of Poland legally and continuously for a period of three years, or
- 5) A foreigner meets the conditions specified in the regulations issued pursuant to Article 90(5) of the Act of 20 April 2004 on employment promotion and labour market institutions (i.e. the regulation specifying the cases in which work permit is issued regardless of payment and condition on the local labour market)
- 5) A foreigner meets the conditions for exemption from the obligation to obtain a work permit, as defined by separate regulations.

The condition for granting the permit also include suitable **remuneration**, referred to in an Annex to the application for a temporary residence permit **by the entity (employer) entrusting performance of work**, which should not be less than the remuneration of employees working similar hours and of **comparable type or at comparable position**. This requirement **shall not apply** if the foreigner meets the conditions for exemption from the obligation to obtain a work permit, as defined by separate regulations. The amount of monthly remuneration should not be less than the **amount of the minimum remuneration for work**.

Except general cases of refusal to initiate the proceedings (see section 4.9), **initiation of the** concerning granting the foreigner a temporary residence permit and work permit **proceedings is refused**, if on the day of submitting the application, the foreigner:

- 1) Is **the employee delegated** to perform work on the territory of the Republic of Poland for a specific date by the employer having its registered office outside the borders of the Republic of Poland – throughout the whole period or
- 2) Stays on the territory of the Republic of Poland on the basis of the obligations mentioned in international agreements concerning facilitation of entry and temporary residence of some categories of natural persons involved in trade or investments, or
- 3) **Conducts business activities on the territory of the Republic of Poland, or**
- 4) Stays on the territory of the Republic of Poland to perform work, mentioned in Article 88 (2) of the Act of 20 April 2004 on the promotion of employment and labour market institutions (seasonal work) or
- 5) Stays on the territory of the Republic of Poland on the basis of a **visa issued by the Polish authority for tourism purposes** or to **visit** family or friends or
- 6) Stays on the territory of the Republic of Poland for **tourist purposes or to visit family** or friends on the basis of a **visa issued by another state in the Schengen area**.

Except general cases of refusal to grant temporary residence permit (see section 4.10) granting to foreigner temporary residence permit and work permit **is refused**, if:

1) **The entity delegating work performance or the entity managing or controlling thereof:**

- a) Was legally punished for the **offences** mentioned in Article 117 (1) of the Act on foreigners, stipulated in the provisions of the Act of 20 April 2004 on the promotion of employment and labour market institutions or in the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland or
- b) Is a natural person convicted by final judgment for **crimes**, mentioned in Article 117 of the Act on foreigners against rights of persons performing paid work or crimes committed in connection with proceedings on issuing a permission for work or crimes, mentioned in the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland.

2) **The foreigner**

- a) **Does not have formal qualifications or fails to** meet other conditions in the case of the intention to delegate the performance of work in profession regulated as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States (Journal of Laws of 2018, item 2272) or
- b) Was convicted by final judgment for **offences**, mentioned in Article 270–275 of the Penal Code, committed in connection with the proceedings on issuing work permit or granting temporary residence permit and work permit or
- c) **Fails to meet the requirements** of the entity delegating work performance to the foreigner, **mentioned in the information from the poviastarost** on the lack of the possibility to satisfy the employer's staff needs.

Granting temporary residence permit and work permit **is refused**, also if **the entity delegating the performance of work does not have financial resources or sources of income** necessary to cover liabilities resulting from delegating performance of work to the foreigner, or **does not conduct actual business, agricultural or statutory activities** justifying delegating work performance to the foreigner in

a given period, suspended activities or is crossed out from the relevant registry or his/her activities are under liquidation.

The foreigner **should apply** to the voivode competent with regard to the place of current residence for amending temporary residence permit, if he/she intends to perform work **for a different user's employer or under different conditions than those, mentioned in the permit** (i.e. on a different position, with lower remuneration, in the event of amending working time or type of agreement being the basis for performing work).

Change of the registered office, place of residence, name or legal form of the entity delegating performance of work to the foreigner, takeover of the employer or its part by another employer, transfer of a business entity or its part on a different employer or replacement a civil-law agreement on the employment agreement **do not require the change or issuance of new** temporary residence permit and work permit.

The foreigner should **attach the above mentioned information from the powiat starost** to the application for **the change** of temporary residence permit and work permit, unless this requirement is not applicable.

The voivode **may refuse to change** temporary residence permit and work permit, if:

- 1) The foreigner fails to meet the conditions for granting the permit or
- 2) The entity delegating work performance fails to meet the requirements concerning the lack of the possibility to satisfy the employer's staff needs on the local labour market and comparability of remuneration.

**Note: The validity period of amended permit cannot exceed 3 years from the date of issuing the permit that was subject to change.**

**NOTE: In the case of the intention to perform work at other entity delegating work performance (the employer), the foreigner should apply for issuing new temporary residence permit and work permit. (Note: the issuance of the new permit generates the obligation to pay the stamp duty)**

The foreigner may perform work **for an additional entity delegating work performance on the basis of a separate work permit – work permit for the foreigner is obtained, in this case, by the entity delegating work performance.**

The foreigner who stays in Poland on the basis of temporary residence permit and work permit **is obliged to notify the voivode who granted this permit, in writing within 15 days working days, on the loss of work for any of the entities, listed in the permit,** delegating work performance (employers). If temporary residence permit and work permit is granted by the **Head of the Office for Foreigners** in the second instance, the above notice is directed to **the voivode who ruled in the case on granting this permit in the first instance.**

Temporary residence permit and work permit **is not subject to withdrawal** due to the loss of work for the entity delegating performance of work, mentioned in the permit **within 30 days counted from the day of the loss of work:**

- 1) If the foreigner proves that he/she met the notification obligation, mentioned above or
- 2) If the notification, mentioned above, was not delivered to the voivode for reasons beyond the control of the foreigner.

In the case of the loss of work for all entities delegating performance of work, listed in the permit, this provision shall apply **only once during the validity of the permit.**

NOTE: Except cases, mentioned in section 4.11, the voivode **withdraws** temporary residence permit and work permit, if:

1) **The position**, mentioned in the permit **was changed** or **the amount of the remuneration was reduced** and this permit **was not changed** or

2) The entity delegating work performance to the foreigner **does not conduct any business, agricultural or statutory activities**, in particular suspended activities, is crossed out from the relevant register or is under liquidation.

If the performance of work on the territory of the Republic of Poland consists in **performing by the foreigner managerial services subject to the entry in the register of entrepreneurs whose shares or stocks the foreigner does not have or as a proxy**, temporary residence permit and work permit are granted if the entity which is or will be managed by the foreigner meets the requirements concerning **favourability of business activities (see section 4.6.6)**. **On the other hand, it is not required to attach the above information from the poviastarost and the condition of comparability of remuneration.**

Obtaining temporary residence permit and work permit **does not exempt from the fulfilment of requirements specified in separate legal regulations relating to the performance of regulated professions or activities.**

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#### 4.6.2. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS

The foreigner should have **health insurance** (see section 4.5).

In the proceedings on the **issuance or change** in temporary residence permit to perform work in profession requiring high qualifications, the foreigner should **attach information from the poviastarost competent with regard to main place of performance of the work by the foreigner on the lack of the possibility to satisfy the employer's staff needs on the local labour market.**

Such information **are granted to entity entrusting work performance** to the foreigner.

**This requirement does not apply if:**

1) The profession of the foreigner or the type of work that is entrusted to him/her can be found on **the list of occupations and types of work** for which issuing work permit does not require taking into account the above-mentioned information of the starost (**Article 10(4) (1) of the act of 20 April 2004 on employment promotion and labour market institutions**), or

2) Immediately before submitting the application, the foreigner had work permit or residence permit and work permit or a temporary residence permit to perform a job requiring high qualifications at the same employer and on the same position, or

3) The foreigner meets the conditions, mentioned in the provisions published on the basis of Article 90 (5) of the Act of 20 April 2004 on the promotion of employment and labour market institutions (namely in the regulation specifying cases where work permit is issued regardless of the remuneration conditions and local labour market) or

4) The foreigner meets the terms concerning exemption from the obligation to have work permit, as specified in separate regulations, or

5) The foreigner had been already legally employed within the territory of the Republic of Poland for the period of 2 years on the basis of a temporary stay permit in order to perform work in a profession requiring high qualifications.

**Warunkami udzielenia** zezwolenia są ponadto:

**Additional conditions for granting the permit are:**

- Conclusion, for **the period of at least 1 year, of the employment contract**, tolling contract, civil law contract, on the basis of which the work is performed, services are provided or remains under official relation,
- Having **formal qualifications and fulfilment of other conditions in the case of intention to perform work in regulated profession**, as defined by Article 5 (4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States (Journal of Laws of 2018, item 2272),
- Having **higher professional qualifications**,
- Having **the consent of a competent authority on holding certain position, performing profession or conducting other activities** when the obligation of its obtaining prior to entering into the contract results from separate regulations;
- **the annual gross remuneration** resulting from monthly or annual remuneration, mentioned in the contract, should not be lower than **the equivalent of 150% of the amount of the average remuneration in the national economy in the year preceding the concluding of the agreement**, announced by the President of the Central Statistical Office on the basis of Article 20 (1) (a) of the Act of 17 December 1998 on Old-Age and Disability Pensions from the Social Insurance Fund (uniform text, Journal of Laws of 2018, item 2245 as amended).

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings is refused** on granting temporary residence permit to the foreigner to perform work in profession requiring high qualifications, when on the day of submitting the application for the permit, the foreigner:

- 1) Applies for granting temporary residence permit to conduct scientific research or a temporary residence permit to enjoy long-term mobility of a scientist or has such permit, or
- 2) Is an employee of the enterprise conducting business activities in another Member State of the European Union and is temporarily delegated by the employer to perform services on the territory of the Republic of Poland, or
- 3) Stays on the territory of the Republic of Poland on the basis of the obligations, mentioned in the international contract concerning facilitation of entry and temporary residence of some categories of natural persons involved in trade or investments, or
- 4) Has permit, mentioned in Article 186(1) (3) (a) being long-term resident of the EU from another EU Member State, or
- 5) Stays on the territory of the Republic of Poland to perform work, mentioned in Article 88(2) of the Act of 20 April 2004 on promotion of employment and labour market institutions (seasonal work), or
- 6) Stays on the territory of the Republic of Poland on the basis of a **visa issued by the Polish authority for tourism purposes** or to **visit** family or friends, or
- 7) Stays on the territory of the Republic of Poland for **tourist purposes or to visit** family or friends on the basis of a **visa issued by another state in the Schengen area**.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting temporary residence permit to perform work in profession requiring high qualifications **is refused** from the foreigner, if the **entity delegating work performance or managing or controlling entity** was legally punished for **the offense** of delegating illegal work performance to the foreigner, mentioned in Article 120(1) of the Act of 20 April 2004 on promotion of employment and labour market institutions, and within 2 years from punishing was punished again for similar offense or was legally punished for offences, mentioned in Article 120(3–5) of the above Act.

The foreigner **should apply** to the voivode competent with regard to the place of the current stay of the foreigner to change temporary residence permit, if the foreigner intends to begin work at any other entity than specified in the permit, intends to change the position or will receive lower remuneration than specified in the permit.

**Change in the permit is not required** in the event of change in the name or legal form of the entity delegating work performance to the foreigner, as well as in the case of acquisition of a business or its part by another entity.

**The foreigner should attach the aforementioned information from the poviastarost to the application for change in the permit**, unless this requirement is not applicable.

**In the period of the first 2 years of stay of the foreigner on the territory of the Republic of Poland on the basis of this permit:**

- 1) The foreigner cannot commence performing the work at any other entity than specified in the permit;
- 2) The foreigner cannot change the position on which they are employed;
- 3) The foreigner cannot be paid remuneration lower than specified in the permit:

- **without change to this permit.**

**The voivode refuses to grant the permit, if:**

- 1) The period in which the foreigner is unemployed:
  - a) Exceeds 3 months counted from the date of the loss of work until they day, when the foreigner submits the application for change the permit due to change of entity delegating work performance or
  - b) Occurred more than 2 times during the validity of the permit, or
- 2) The foreigner failed to notify the voivode competent with regard to the place of current stay on the loss of work, within the indicated time 15 working days upon its loss, or
- 3) The foreigner ceased to meet the conditions of granting this permit, or
- 4) The entity which will delegate work performance to the foreigner, fails to comply with conditions concerning the lack of possibility to satisfy employer's staff needs on the local labour market and required amount of remuneration or
- 5) The validity period of amended permit exceeded 3 years.

The foreigner staying on the territory of the Republic of Poland on the basis of this permit is **obliged within 15 business days to notify in writing about loss of work the voivode** who granted this permit. If the permit was granted by the Head of the Office for Foreigners in the second instance, the above notice is directed to the **voivode who ruled on granting permit in the first instance.**

If **in the first period of the first 2 years of stay of the foreigner** on the territory of the Republic of Poland on the basis of this permit, works conditions have changed, which are specified in the permit concerning minimum working time and contract type on the basis of which the foreigner's work is performed the foreigner is **obliged within 15 business days to notify the change to the voivode who granted this permit.**

If **upon 2 years of stay of the foreigner** on the territory of the Republic of Poland on the basis of this permit, the position has changed, remuneration is lower or minimum working time and contract type have changed, on the basis of which the foreigner's performed is performed, the foreigner is **obliged to notify the change to the voivode who granted this permit within 15 working days.**

Apart from cases, mentioned in section 4.11, temporary residence permit to perform work requiring high qualifications is **withdrawn from the foreigner**, if he/she **failed to comply with restrictions in the access to the labour market in the first 2 years of the stay of the foreigner** on the basis of this permit.

The permit is **not subject to withdrawal** due to the loss of work for the benefit of the entity delegating work performance, mentioned in the permit, if together the following conditions are met:

- 1) The period of the foreigner's staying unemployed has not exceed **3 months throughout the term of this permit's validity**;
- 2) The period of the foreigner's staying unemployed occurred **no more than 2 times throughout the term of this permit's validity**;
- 3) The foreigner proves that he/she met the notification obligation, mentioned above or that the notification has not been delivered to the voivode due to the reasons beyond the control of the foreigner.

**Obtaining temporary residence permit to perform work in profession requiring high qualifications, does not exempt the following requirements relating to perform regulated professions or operations regulated by separate provisions.**

#### 4.6.3. PERMIT FOR A TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK UNDER THE INTRA-CORPORATE TRANSFER

The foreigner should meet the conditions concerning **health insurance** and **place of residence provided on the territory of the Republic of Poland** (see section 4.5).

Additionally, **the foreigner should:**

- 1) Have **professional qualifications and experience** adequate to the object of activities of the host entity, necessary in the entity to which he/she is supposed to be transferred by the main employer – in the case of performing managerial services or specialists or a diploma of graduation from studies – in the case of work as employee on internship;
- 2) Have **formal qualifications** and meet other conditions which are required, in the case of the intention to perform work in profession regulated as defined by Article 5 (4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States;
- 3) Directly prior to the transfer within the enterprise, **be employed under the same enterprise or group of enterprises** continuously for the period amounting to at least:
  - 12 months – in the case of work as management employee or specialist,
  - 6 months – in the case of work as employee on internships,
- 4) Following the end of the period of transfer within the enterprise, the entrepreneur will be able to **transfer back to the mother employer or other enterprise** belonging to the same group of enterprises, having their registered office outside the territory of the European Union.

**The condition for granting** the permit is the presentation of concluded, written **contract** under which the foreigner has to perform work or the **document** issued by the mother employer, being the basis for transfer within the enterprise, determining:

- the period of transfer of the foreigner within the enterprise;
- registered office of the host unit;
- remuneration and other working conditions of the foreigner in the host unit.

The above mentioned **remuneration** should be:

- 1) Higher than the income authorizing to social benefits from social security, mentioned in the Act of 12 March 2004 on social assistance with regard to the foreigner and each family member remaining subsisted by them (the amount should exceed PLN 528 for people in the family or PLN 701 for lonely managing people);
- 2) Not lower than the remuneration of employees performing work comparable in type or on comparable position on the territory of the Republic of Poland in comparable working time;
- 3) Not lower than 70% of the average gross monthly remuneration in the national economy in the voivodship in which the receiving unit has the registered office, in the year preceding submission of the application for granting the permission, announced by the President of the Central Statistical Office on the basis of Article 30 (2) of the Act of 26 October 1995 on some forms of supporting residential construction (uniform text, Journal of Laws of 2018, item 1020 as amended).

The foreigner staying on the territory of the Republic of Poland in order to perform work as **the employee on internships** beyond the completion of the above mentioned conditions, should have the contract concerning internships in the host unit determining:

- 1) Internships program;
- 2) Duration of the internships;
- 3) Conditions of supervision over the foreigner during his/her internships.

In the proceedings for granting the concerned permit to the foreigner, the host unit should **immediately notify in writing** any change in the circumstances having effect on the granting conditions of this permission to the voivode.

**Initiation of the proceedings on granting the permit to the foreigner is refused, if:**

- 1) **The first or the longest stay of the foreigner** on the territory of the European Union under transfer within the enterprise should take place on the territory of **other Member State of the European Union** or
- 2) **The foreigner**, on the day of submitting the application for this permit:
  - a) Applies for temporary residence permit in order to **study** or has such permission, or
  - b) Applies for temporary residence permit in order to conduct **scientific research** or has such permission, or
  - c) He/she is seeking or has a temporary residence permit to enjoy long-term mobility of the scientist, or
  - d) Is the employee of the enterprise having its registered office in other Member State of the European Union and is temporarily delegated by employer to **provide services on the territory of the Republic of Poland** or
  - d) Conducts **business activities** or
  - e) is employed by **the temporary employment agency** or other enterprise involved in **lease of employees** to work under supervision and management of other enterprise or is transferred within the enterprise with participation of the entity conducting business activities with regard to providing employment services or
  - f) **stays on the territory of the Republic of Poland**, unless he/she applies for another permit in order to perform work under the transfer within the enterprise and directly prior to submission of the application for granting the permit stayed on the territory of the Republic of Poland on the basis of this permit or



g) stays on the territory of **other Member State of the European Union**.

In the proceedings for granting temporary residence permit in order to perform work under the transfer within the enterprise, the host unit must immediately notify in writing any change in the circumstances having effect on the granting conditions of this permit to the voivode.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), **granting temporary residence permit** in order to perform work under the transfer within the enterprise **is refused**, if:

1) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise, or

2) Entry of a foreigner into the territory of the Republic of Poland or his stay in that territory may pose a threat to public health, or

3) In the procedure for granting this permit the person submitting the application on behalf of and for the benefit of the receiving unit:

a) Submitted an application containing false personal data or false information or has attached documents containing such data or information, or

b) Testified untruthfully or concealed the truth or forged or modified a document for use as authentic or used as authentic, or

4) The entity being the mother employer or host unit:

a) is legally managed or controlled by the natural person:

- punished for the offence, mentioned in Article 120(1) of the Act of 20 April 2004 on promotion of employment and labour market institutions which within 2 years from punishing was punished again for similar offense or

- punished for offences, mentioned in Article 120 (3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) failed to meet the obligation to pay social security premiums or

c) is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority or

d) does not conduct any business activities or is under bankruptcy.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **another** temporary residence permit in order to perform work under the transfer within the enterprise **is refused**, if:

1) Circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than this in which it was granted or

2) The period of transfer within the enterprise on the territory of the European Union has elapsed, which is:

a) 3 years – in the case of work as employee in management staff or specialist or

b) 1 year – in the case of work as employee on internships or

3) The application for granting this permission was submitted during illegal residence of the foreigner, for whom it is to be granted, on the territory of the Republic of Poland.

Obtaining temporary residence permit in order to perform work under the transfer within the enterprise **does not exempt from the fulfilment of requirements relating to the performance of regulated professions or activities, specified in different provisions**

**Following the permit given** for temporary residence in order to perform work under the transfer within the enterprise, **the host unit is under the obligation to notify in writing** within 15 days, any change in the circumstances having effect on the conditions of granted permit to **the voivode who granted this permit**. If the above mentioned permit is granted by the Head of the Office for Foreigners in the second instance, the above mentioned notice is directed to the voivode who ruled in the first instance.

Apart from cases, mentioned in section 4.11 **temporary residence permit** in order to perform work under the transfer within the enterprise **is withdrawn** from the foreigner, if:

1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted or

2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid or

3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or

4) Subject to the obligation of treatment on the basis of Article 40(1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment or

5) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise or

6) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:

a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or

b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or

7) The entity being the mother employer or host unit:

a) Is legally managed or controlled by the natural person:

- punished for the offence, mentioned in Article 120 (1) of the Act of 20 April 2004 on promotion of employment and labour market institutions, which within 2 years from punishing was punished again for similar offense or

- punished for offences, mentioned in Article 120 (3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) failed to meet the obligation to pay social security premiums or

c) is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or

d) does not conduct any business activities or is under bankruptcy.

#### 4.6.4. STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY UNDER THE INTRA-ENTERPRISE TRANSFER

**Mobility** is the right of the foreigner to enter and stay on the territory of Member States of the European Union in order to perform work in the host unit, having the registered office in the given Member State of the European Union as the employee in management staff, specialist or employee on internships, under transfer within the enterprise resulting from having valid residence document, mentioned in Article 1(2) (a) of the Council Regulation (EC) no. 1030/2002 (equivalent of the Polish residence card) with "ICT" annotation, issued by other Member State of the European Union than this in which the foreigner executes this right. Mobility may be of short-term and long-term nature.

**Short-term mobility** means the use of mobility for a period of up to 90 days at any period covering 180 days in each Member State of the European Union. On the other hand, **long-term mobility** means the use of mobility for the period exceeding 90 days in the given Member State of the European Union.

In order for the foreigner to enjoy **short term mobility** on the territory of the Republic of Poland it is necessary for the Head of the Office for Foreigners to:

- Receive the **notice on the intention to use this mobility** by a foreigner from this host unit having the registered office in other Member State of the European Union which issued residential document for this foreigner, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation.
- The Head of the Office for Foreigners has not issued an objection within 20 days.

**The notification** should be made **in Polish language**, submitted in writing, in paper or electronic form to the electronic delivery box of the Head of the Office for Foreigners and contain **data and information on the foreigner** intending to enjoy short-term mobility:

- 1) Name (names) and surname;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) Position on which the foreigner will perform the work;
- 6) Planned period or periods of performing the work on the territory of the Republic of Poland;
- 7) name of the Member State of the European Union which issued residential document for this foreigner, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation;
- 8) The period of validity of the residence permit referred to in Article 1, point (a) and Regulation No. 1030/2002 with "ICT" annotation;
- 9) Name and address of the host unit having the registered office on the territory of the Republic of Poland and the mother employer of the foreigner;
- 9) Name, surname, official position and signature of the person or persons authorized to represent the receiving unit having its registered office in the territory of the Republic of Poland.

In addition the notice should be accompanied by **the following documents**:

1) Evidence that the host entity based in the territory of the Republic of Poland is a legal person or an organizational unit that is not a legal person with legal capacity granted by the law to which the employee is transferred within the enterprise, and which:

- a) Is in particular a branch or representation of the parent employer being a foreign entrepreneur, or
- b) Belongs to the same group of enterprises as the parent employer;

2) Evidence that the foreigner has formal qualifications and meet other conditions which are required in the case of the intention to delegate work performance in regulated profession;

3) The contract under which the foreigner is to perform work concluded in writing or a document issued by the parent employer which is the basis for the transfer within the company;

4) A copy of a valid travel document of a foreigner.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners issues a **decision on objection** in the event that:

1) The receiving unit having its registered office in the territory of the Republic of Poland does not meet the conditions referred to in art. 3 point 5 (b), or

2) The foreigner does not have formal qualifications or does not meet other conditions that are required in the case of intention to work in a regulated profession, or

3) The remuneration specified in the contract under which the foreigner is to perform work or in the document issued by the parent employer constituting the basis for the transfer within the enterprise is lower than the remuneration of employees performing comparable work in the territory of the Republic of Poland and in a comparable position, or

4) Validity period of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 issued by another Member State of the European Union containing the "ICT" annotation, does not cover the period of planned short-term mobility of the managerial, specialist or internship employee as part of an intra-corporate transfer, or

5) It is justified by the defence or security reasons of the state or the protection of public safety and order, or

6) The notification contains false personal data or false information or attached documents containing such data or information or has been forged or altered, or

7) The foreigner's data is entered into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable, or

8) The foreigner's data can be found in the Schengen Information System for the purposes of refusing entry.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners addresses the Chief Commander of the Border Guard, the Chief Commander of the Police, the Head of the Internal Security Agency and, if necessary, also to other bodies to provide information on whether there are circumstances to issue a decision on the objection referred to in point 5. The above-mentioned authorities provide information within 15 days from the date of receipt of the application.

In order for the foreigner to take advantage of **long-term mobility** on the territory of Poland it is necessary to apply for a temporary residence **permit for the purpose of long-term mobility of a managerial staff, specialist or internship employee as part of intra-corporate transfer**.

To obtain the aforementioned permit the foreigner should meet the conditions regarding the possession of **health insurance** and possession of the **place of residence provided on the territory of the Republic of Poland** (see point 4.5).

Additionally, **the foreigner should:**

1) Have formal qualifications and meet other conditions which are required in the case of the intention to delegate work performance in regulated profession as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States.

2) Has a residence permit referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 with "ICT" annotation issued by another Member State of the European Union.

3) Following the end of the period of transfer within the enterprise, the entrepreneur will be able to transfer back to the mother employer or other enterprise belonging to the same group of enterprises, having its registered office outside the territory of the European Union.

**The condition for granting** the permit is the presentation of concluded, written contract under which the foreigner has to perform work or the **document** issued by the mother employer, being the basis for transfer within the enterprise, determining:

- the period of transfer of the foreigner within the enterprise,
- registered office of the host unit,
- position of the foreigner in the host unit,
- remuneration and other working conditions of the foreigner in the host unit.

The above mentioned **remuneration** should be:

1) higher than the income authorizing to cash benefits from social security, mentioned in the Act of 12 March 2004 on social assistance with regard to the foreigner and each family member being subsisted by them (should exceed PLN 528 for people in the family or PLN 701 for lonely managing people);

2) Not lower than the remuneration of employees performing work comparable in type or on comparable position on the territory of the Republic of Poland in comparable working time;

3) Not lower than 70% of the average gross monthly remuneration in the national economy in the voivodship, in which host unit has the registered office, in the year preceding submission of the application for the permission, announced by the President of the Central Statistical Office on the basis of Article 30 (2) of the Act of 26 October 1995 on some forms of supporting residential construction.

**Initiating of the proceedings** on granting the permit to the foreigner **is refused**, if the foreigner, on the day of submitting the application for the permit:

- 1) Applies for temporary residence permit in order to **study** or has such permission, or
- 2) Applies for temporary residence permit in order to conduct scientific research or has such permission, or
- 3) Applies for temporary residence permit for the **long-term mobility of the scientist**, or

4) Is the employee of the enterprise having its registered office in other Member State of the European Union and is temporarily **delegated by the employer to provide services** on the territory of the Republic of Poland or

5) Conducts **business activities** or

6) is employed by **temporary employment agency** or other **enterprise involved in lease of employees** to work under supervision and management of other enterprise or is transferred within the enterprise with participation of entities conducting business activities in the field of provision of services of employment agencies.

In the proceeding on granting the permit to the foreigner the host entity should **notify the voivode in writing immediately** of any change in circumstances affecting the conditions of granting this permit.

In addition to the general conditions applying to this permit refusals to grant a temporary residence permit (see paragraph 4.10), the granting of a temporary residence permit for the purpose of long-term mobility of a managerial staff member, specialist or internship employee under intra-corporate transfer **is refused** when:

1) The validity period of the foreigner's residence document has elapsed, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation, issued by other Member State of the European Union or

2) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:

a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or

b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or

3) The entity being the mother employer or host unit:

a) Is legally managed or controlled by the natural person:

- Punished for the offence, mentioned in Article 120 (1) of the Act of 20 April 2004 on promotion of employment and labour market institutions which within 2 years from punishing was punished again for similar offense, or

- Convicted by the court for the offence, mentioned in Article 218–221 of the Penal Code, or

b) Failed to meet the obligation to pay social security premiums, or

c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of a competent authority or

d) Does not conduct any business activities or announced bankruptcy, or

4) The period of transfer within the enterprise on the territory of the European Union has elapsed, which is:

a) 3 years – in the case of work as employee in management staff or specialist, or

b) 1 year – in the case of work as employee on internships, or

5) Application for granting temporary residence permit was submitted during illegal stay of the foreigner to whom is to be granted, on the territory of the Republic of Poland.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **another temporary residence permit** in order to use long-term mobility of a managerial staff member, specialist or internship employee under intra-corporate transfer **is refused** when:

- 1) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise, or
- 2) Circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than this in which it was granted.

Obtaining temporary residence permit in order to use long-term mobility of managerial staff member, specialist or internship employee under intra-corporate transfer **does not exempt from the fulfilment of requirements relating to the performance of regulated professions or activities, specified in different provisions**

**Following the permit given** for temporary residence in order to use long-term mobility, **the host unit is under the obligation to notify in writing** within 15 days, any change in the circumstances having the effect on the conditions of granted permission to the voivode who granted this permit. If the above mentioned permit is granted by the Head of the Office for Foreigners in the second instance, the above notice is directed to the voivode who ruled in the first instance.

Apart from cases, mentioned in section 4.11 **temporary residence permit** for managerial staff member, specialist or internship employee under intra-corporate transfer in order to enjoy long-term mobility is withdrawn, if:

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or
- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or
- 4) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment, or
- 5) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise or
- 6) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:
  - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or
  - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or
- 7) The entity being the mother employer or host unit:
  - a) Is legally managed or controlled by the natural person:
    - Punished for the offence, mentioned in Article 120 (1) of the Act of 20 April 2004 on promotion of employment and labour market institutions, which within 2 years from punishing was punished again for similar offense, or

- Punished for offences, mentioned in Article 120(3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions, or

- Convicted for the offence, mentioned in Article 218–221 of the Penal Code, or

b) Failed to meet the obligation to pay social security premiums, or

c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or

d) Does not conduct any business activities or is under bankruptcy.

In the event that a foreigner **holding a Polish temporary residence permit for the purpose of working under intra-corporate transfer** would like to **enjoy short-term or long-term mobility** of a managerial specialist or internship employee under intra-corporate transfer in **another EU Member State the host entity** having its registered office in the territory of the Republic of Poland notifies the **competent authority of another European Union Member State** in which the foreigner intends to use this mobility, and the **Head of the Office for Foreigners** if the regulations in force in that Member State provide for such notification.

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#### 4.6.5. PERMIT FOR A TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK OF A FOREIGNER DELEGED BY A FOREIGN EMPLOYER ON THE TERRITORY OF THE REPUBLIC OF POLAND

A foreigner should meet the conditions concerning having **health insurance, a stable and regular source of income** sufficient to cover the costs of living for oneself and for family members dependent on him/her and **a place of residence on the territory of the Republic of Poland** (see point 4.5)

The condition for granting the permit is to hold the **work permit**, as defined by the Act of 20 April 2004 on promotion of employment and labour market institutions or a written statement of the employer of the intention to delegate work, if work permit is not required.

The requirement of having legal residence shall not apply to the foreigner who is temporarily delegated to provide services on the territory of the Republic of Poland by the employer having its registered office on the territory of a Member State of the European Union, Switzerland, Norway, Iceland or Liechtenstein, authorized to stay and work on the territory of this country.

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#### 4.6.6. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO CONDUCT BUSINESS ACTIVITY

A foreigner should meet the conditions concerning having **health insurance, a stable and regular source of income** sufficient to cover the costs of living for oneself and for family members dependent on him/her and **a place of residence on the territory of the Republic of Poland** (see point 4.5)

**Additional conditions for granting the permit:**

- Holding the consent of a competent authority on holding specified positions or performing professions, if the obligation results from the separate provisions;

- The entity which conducts business activities should:

a) in the fiscal year preceding submission of the application for granting temporary residence permit to conduct business operations by the foreigner , **achieve income which is not lower than 12 times average gross monthly remuneration in the national economy in the voivodship**, where this entity has the registered office or place of residence, in the year preceding the submission of the application,



announced by the President of the Central Statistical Office on the basis of Article 30 (2) of the Act of 26 October 1995 on some forms of supporting residential construction, **or employ for indefinite or full time for the period of at least 1 year preceding the submission of the application, at least 2 employees being Polish citizens or foreigners, mentioned in the Article 87(1)(1–9) of the Act of 20 April 2004 on promotion of employment and labour market institutions (e.g. refugees or foreigners who have permanent residence permit or long-term resident's EU residence permit) or**

**b) demonstrate that has funds allowing fulfilment of future** conditions specified in (a) or conducts actions enabling to fulfil these conditions in the future, in particular contributing to the growth of the investment, transfer of technology, introducing favourable innovation or creating work places.

The above mentioned conditions in (a) or (b) shall also apply to the limited partnership, limited-joint stock company or a limited liability company, a joint stock company established by the foreigner or to the company to which the foreigner acceded or which shares or stock were taken or purchased.

Temporary residence permit in order to conduct business activities is also granted to the foreigner whose purpose of residence is **to perform work by performing the functions in management of a limited liability company, a joint stock company established by the foreigner or which shares or stock were taken or purchased or conduct the enterprise's matters or limited-joint stock company by general partner, or work as a proxy**, provided that the enterprise meets the terms mentioned above in (a) or (b). To grant this permit **it is not required to have work permit, it is also not required to attach information of the district voivode on the lack of possibility to satisfy the employer's staff needs on the local labour market and condition of remuneration comparability.**

Except general cases of refusal to grant temporary residence permit (see section 4.10), granting temporary residence permit in order to conduct business activities, **when the goal of residence is to perform work by performing the function in the company's board of directors which was established or which shares or stock were taken or purchased or conduct the enterprise's matters or limited-joint stock company by general partner or work as a proxy, is refused**, if:

**1) The entity delegating work performance or the entity managing or controlling thereof:**

a) was legally punished for **offences** listed in the Article 117(1) of the Act on foreigners, mentioned in the regulations of the Act of 20 April 2004 on promotion of employment and labour market institutions or in the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland or

b) is a natural person convicted by a final sentence for **offences** listed in art. 117, point 1 of the Act on foreigners specified in the Criminal Code committed against the rights of people who perform paid work or crimes committed in connection with proceedings for the issue of a work permit or for crimes referred to in the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland.

**2) The foreigner**

a) **does not have formal qualifications or fails to meet other conditions**, which are required, in the case of the intention to delegate work performance in regulated profession as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States (Journal of Laws of 2016, item 65) or

b) is convicted by final judgment for **offences**, mentioned in Article 270–275 of the Penal Code, committed in connection with the proceedings on issuing work permit or granting temporary residence permit and work permit or

c) fails to meet the requirements of the entity delegating work performance to the foreigner, specified information from the poviastarost on the lack of possibility to satisfy the employer's staff needs.

#### 4.6.7. PERMIT FOR TEMPORARY RESIDENCE FOR EDUCATION PURPOSES AT A UNIVERSITY. STUDENT MOBILITY.

Temporary residence permits for the purpose of studying at a higher education institution is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to **take up or continue studies at the unit conducting the study approved by the minister responsible for internal affairs** unless this unit is not subject to the approval requirement or at the unit conducting the study not subject to the obligation of approval in respect of which a decision on banning the admission of foreigners has not been issued, and when the following conditions are jointly met:

1) The foreigner submits:

a) **Certificate of the unit conducting this studies** on enrolment to the studies or continuation of the studies, the template of which determines the executive regulation to the Act on foreigners;

b) **Payment evidence**, if performs or continues paid studies;

The foreigner should also meet **conditions concerning health insurance and sufficient financial measures** to cover the maintenance costs and travel back to the state of origin or place of residence, transit costs to the third state which issued the permission for entry (see section 4.5).

The condition for granting the permit is also **sufficient financial measures to cover the costs of studies**.

Temporary residence permits for the purposes of studying are also granted to a foreigner when **studies that are continuation or supplementing studies undertaken in the territory of another European Union Member State are not covered by an EU program or a multilateral program** covering mobility measures **or an agreement between at least two higher education institutions providing for intra-EU mobility**, and the foreigner meets the abovementioned conditions for granting a temporary residence permit.

Apart from general, applicable cases of refusal to grant temporary residence permit (see section 4.10) the foreigner **is refused to grant this permit**, if:

1) Has temporary residence permit to undertake or continue studies or vocational training, mentioned in Article 186(1)(3) (b), being long-term resident of the EU from other Member State of the EU, or

2) Applying for a temporary residence permit in order to perform work at a position requiring high qualifications or holds such permit.

In addition to the general cases of refusal of temporary residence permit that apply to this permit (see paragraph 4.10) **the foreigner is refused this permit** when:

1) The unit conducting the studies **operates mainly to facilitate students or PhD students illegally entry or stay** on the territory of the Republic of Poland or

2) There are reasonable **doubts as to the credibility of the foreigner's declarations regarding the purpose of his/her stay** on the territory of the Republic of Poland due to evidence available to the authority or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for the permit to study** at university a permit is refused when the circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than the purpose for which it was granted.

In addition a foreigner **may be refused a further permit in order to study at a higher education institution when a foreigner has been deleted from the list of students or doctoral students**.

In addition to the general conditions applying to this permit the **withdrawal** of a temporary residence permit (see paragraph 4.11):

- 1) The circumstances of the case indicate that it is used for a purpose other than the purpose for which it was granted, or
- 2) Valid entry of foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or
- 3) It is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or
- 4) In the proceedings for granting him/her a temporary residence permit:
  - a) He/she has submitted an application containing false personal data or false information or has attached documents containing such data or information, or
  - b) He/she testified untruthfully or concealed the truth or forged or reworked the document for use as authentic or used as authentic, or
- 5) Subject to the treatment obligation pursuant to art. 40, para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans he/she does not consent to this treatment, or
- 6) The unit conducting the studies operates primarily to facilitate students or PhD students illegal entry or stay on the territory of the Republic of Poland.

In addition a foreigner **may be refused a further permit in order to study at a higher education institution when a foreigner has been deleted from the list of students or doctoral students.**

**Student mobility** is the right of a foreign student who is a student or doctoral student to enter and stay on the territory of the European Union Member States in order to continue or complete studies undertaken in the territory of another European Union Member State resulting from the possession of a valid residence permit referred to in art. 1, point 2 (a) Council Regulation (EC) No. 1030/2002 (the equivalent of a Polish residence card) or a long-term visa with the annotation "student" issued by another Member State of the European Union than the one in which the foreigner uses this right. Student mobility covers a period not exceeding **360 days in each Member State.**

The foreigner who is a student or a PhD student may enjoy **student mobility** if the following conditions are met jointly:

- 1) The purpose of his/her stay on the territory of Poland is **continuation or supplementation of studies** undertaken in the territory of another European Union Member State;
- 2) The foreigner is covered by an **EU program** or a **multilateral program** covering mobility measures or an **agreement between at least two higher education institutions** providing for **intra-EU mobility**;
- 3) A **residence permit** held by a foreigner referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or a **long-term visa** issued by another Member State of the European Union includes the annotation "student"
- 4) The duration of stay in Poland does not exceed **360 days.**

A condition for a foreigner to enjoy **student mobility** on the territory of Poland is that the Head of the Office for Foreigners:

- Received **notification of the intention** of the foreigner **to use this mobility** from the unit conducting the studies having its seat in Poland approved by the minister competent for internal affairs unless this unit is not subject to the approval or from the unit conducting the studies which is not subject to approval obligation in relation to which a decision on prohibiting the admission of foreigners was not issued

- Did not issue a decision on objection within 30 days.

**The notification** should be made in the **Polish language**, submitted in writing, in paper or electronic form to the electronic mailbox of the Head of the Office for Foreigners and contain **data and information concerning the foreigner**:

- 1) First name (first names) and last name;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) The series, number and expiration date of the travel document held by the foreigner;
- 6) Planned period or periods of continuation or completion of studies;
- 7) The name of the European Union Member State that issued the residence permit referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "student" annotation;
- 8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;
- 9) The name of an EU program or multilateral program covering mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility;
- 10) The name and address of the unit conducting the studies with its seat on the territory of a Member State of the European Union referred to in point 7 in which the foreigner was undertaking studies until now;
- 11) The name and address of the unit conducting the studies with its seat on the territory of the Republic of Poland in which the foreigner intends to continue or supplement the studies undertaken on the territory of another European Union Member State;
- 12) The name, surname, official position and signature of the person or persons authorized to represent the unit conducting the studies based in the territory of the Republic of Poland.

The notification should **accompanied with the evidence of**:

- 1) Possession of a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "student";
- 2) Possession of a health insurance by a foreigner (see point 4.5);
- 3) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "student" annotation in an appropriate amount (see point 4.5);
- 4) Payment of fees for studies by a foreigner if the continuation or supplementation of studies undertaken in the territory of another European Union Member State takes place for a fee.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners **issues a decision on objection** in the event that:

- 1) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "student" does not include the period of planned student mobility, or
- 2) The foreigner does not have health insurance or
- 3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the European Union Member State which issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "student" in an appropriate amount, or
- 4) The foreigner did not pay the tuition fee, or
- 5) The unit conducting the studies operates mainly to facilitate students or PhD students illegal entry or stay on the territory of the Republic of Poland, or
- 6) The unit conducting the studies does not conduct actual activity consisting in conducting studies or is liquidated, or
- 7) The notification contains false personal data or false information or attached documents containing such data or information or have been forged or modified, or
- 8) Entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is valid, or
- 9) Data on the foreigner are in the Schengen Information System for the purposes of refusing entry, or
- 10) It is required for reasons of national defence or security or for the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in points 5 or 10. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

**The voivode informs the rector** of the university or the head of another unit conducting the studies indicated by the foreigner in the application for permission, on the fact of granting the permit to the student to study at the institution.

**The rector of the university or the head of a different unit conducting this studies immediately notifies in writing on the fact of deleting the foreigner from the list of students, as well as on failed year of study in the specified time to the voivode** who granted the permit on order to study.

If a foreigner holding a **national visa** for first-cycle, second-cycle or uniform MA studies or studying in a doctoral school with the annotation "student" or a **temporary residence permit** for the purpose of studying at university **intends to use student mobility in another EU Member State, a unit conducting studies** in which a foreigner is studying based in Poland or a **unit conducting studies in which a foreigner intends to study** having its registered office in a Member State of the European Union where the foreigner intends to use this mobility or a foreigner intending to use this mobility **shall notify about this intention to the competent authority of that Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification

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#### 4.6.8. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO CONDUCT RESEARCH ACTIVITY

Temporary residence permit in order to conduct scientific research is granted to the foreigner **who is a scientist and has at least professional title corresponding to the Polish Master's degree or equivalent,**

**enabling access at least to postgraduate studies** when the purpose of his/her residence on the territory of the Republic of Poland is to conduct scientific research or development in a scientific unit based in the Republic of Poland approved by the minister competent for internal affairs and the following conditions are met jointly:

1) The foreigner holds **written statement of the scientific unit** which includes its obligation to bear costs of residence of the scientist on the territory of the Republic of Poland as well as costs of preparing decision on obligation of the foreigner to return, covered from the public funds before the end of 6 months from the date of expiration of the contract, if the basis for issuing the decision on the obligation of the foreigner to return, will be his/her illegal residence on the territory of the Republic of Poland;

2) **Enrolment contract for the purpose of implementing research project** concluded with scientific unit seated on the territory of the Republic of Poland as a contract of employment, contract for a specific task, contract of mandate or other civil law contract, specifies the following:

- a) The title or purpose of scientific research or development work or its subject;
- b) Commitment of the scientist to participate in conducting scientific research or development works;
- c) Obligation of the scientific unit to provide the scientist with conditions to fulfil his/her obligation;
- d) Start and end dates or estimated duration of scientific research or development work;
- e) The remuneration of the scientist and other conditions of his work;
- f) Information on planned research or development work on the territory of other European Union Member States.

The foreigner should also meet **conditions concerning health insurance and sufficient financial measures** to cover the maintenance costs and travel back to the state of origin or place of residence, transit costs to the third state which issued the permission for entry (see section 4.5).

**The agreement on the admission of a foreigner** for the purpose of implementing a research project **expires** if the foreigner is **refused entry** into the territory of the Republic of Poland or to **grant a temporary residence permit**

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit is refused, if the foreigner:

- 1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship;
- 2) Applies for a temporary residence permit in order to work in a position requiring a high qualifications or holds such permit.

In addition to the general cases of refusal of granting temporary residence permit (see paragraph 4.10) the granting of a temporary residence permit for the purpose of scientific research **is refused** when the scientific body operates mainly to facilitate the unlawful entry or stay of scientists on territory of the Republic of Poland.

In addition to the general cases of refusal of granting temporary residence permits (see point 4.10) the granting of **another temporary residence permit** for the purpose of conducting research to a foreigner **is refused** if the circumstances of the case indicate that the temporary residence permit preceding the permit was used for a purpose other than the purpose for which it was granted.

In addition to the general cases of **withdrawal** of a temporary residence permit applicable to this permit (see point 4.11), a temporary residence permit for the purpose of conducting scientific research is withdrawn when:

- 1) The circumstances of the case indicate that it is used for a purpose other than the purpose for which it was granted, or
- 2) Entry of the foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or
- 3) It is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or
- 5) In proceedings regarding granting him/her a temporary residence permit:
  - a) He/she has submitted an application containing false personal data or false information or has attached documents containing such data or information, or
  - b) He/she testified untruthfully or concealed the truth or forged or reworked the document for use as authentic or used as authentic, or
- 6) Being subject to the treatment obligation pursuant to art. 40 para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans he/she does not consent to this treatment, or
- 7) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientists on the territory of the Republic of Poland.

#### 4.6.9. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO USE SHORT-TERM MOBILITY OR LONG-TERM MOBILITY OF THE SCIENTIST.

**Mobility of the scientist** is the right of a foreigner to enter and stay on the territory of the European Union Member States in order to conduct part of scientific research or development works in a scientific unit based in these countries resulting from having a valid residence permit referred to in art. 1, point 2 (a) of Council Regulation (EC) No. 1030/2002 (the equivalent of a Polish residence card) or a long-term visa with the annotation "scientist" issued by another Member State of the European Union than the one in which the foreigner enjoys this right. Mobility can be short-term or long-term.

**Short-term mobility of the scientist** means using mobility for up to 180 days in any period of 360 days in each EU Member State. On the other hand **long-term mobility of the scientist** means using mobility for a period exceeding 180 days in a given Member State of the European Union.

A condition for a foreigner using the **short-term scientist mobility** on the territory of the Republic of Poland is that the Head of the Office for Foreigners:

- Received a **notice on the intention of a foreigner to enjoy this mobility** from a scientific unit based in the Republic of Poland approved by the minister competent for internal affairs,
- Has not issued a decision on objection within 30 days.

**The notification** should be made in the **Polish language**, submitted in writing, in paper or electronic form to the electronic mailbox of the Head of the Office for Foreigners and contain **data and information concerning the foreigner** intending to enjoy short-term mobility:

- 1) First name (first names) and last name;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) The series, number and expiration date of the travel document held by the foreigner;
- 6) Planned period or periods of scientific research or development work by the scientist on the territory of the Republic of Poland;
- 7) The name of the European Union Member State that issued the residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation";
- 8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;
- 9) The name and address of a scientific institution based in the territory of a Member State of the European Union referred to in point 7 in which a foreigner has or has conducted scientific research or development work so far;
- 10) Name and address of the scientific unit on the territory of the Republic of Poland in which scientific research or development works are to be conducted;
- 11) Name, surname, official position and signature of a person or persons authorized to represent a scientific unit having its registered office in the territory of the Republic of Poland.

The notification should **accompanied with the following documents:**

- 1) Possession of a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "scientist";
- 2) Possession of a health insurance by a foreigner (see point 4.5);
- 3) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation in an appropriate amount (see point 4.5);
- 4) An agreement on the admission of a foreigner for the purpose of conducting scientific research or development works under which the foreigner is to conduct a part of scientific research or development works in a scientific unit based in the Republic of Poland concluded with this unit as a contract of employment, contract for a specific task, contract of mandate or other civil law contract and specifying:
  - a) The title or purpose of scientific research or development work or its subject;
  - b) Commitment of the scientist to participate in conducting scientific research or development works;
  - c) Obligation of the scientific unit to provide the researcher with conditions to fulfil his/her obligation;
  - d) Start and end dates or estimated duration of scientific research or development work;



e) The remuneration of the scientist and other conditions of his work.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners **issues a decision on objection** in the event that:

- 1) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "scientist" does not include the period of planned short-term mobility of the scientist, or
- 2) The foreigner does not have health insurance or
- 3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the European Union Member State which issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" in an appropriate amount, or
- 4) The unit conducting the studies operates mainly to facilitate illegal entry or stay on the territory of the Republic of Poland, or
- 6) The notification contains false personal data or false information or attached documents containing such data or information or have been forged or modified, or
- 7) Entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is valid, or
- 8) Data on the foreigner are in the Schengen Information System for the purposes of refusing entry, or
- 9) It is required for reasons of national defence or security or for the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in points 5 or 10. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

In order for the foreigner to enjoy **long-term mobility of the scientist** on Polish territory it is required to apply for a **temporary residence permit in order to enjoy the long-term mobility of the scientist**.

To obtain the above permit the foreigner should meet the conditions regarding the possession of **health insurance, sufficient financial resources** and possession of the **place of residence provided in Poland** (see point 4.5). In addition, the **foreigner should** have a residence permit referred to in art. 1, point 2 (a) of Regulation No. 1030/2002 or a long-term visa with annotation "scientist" issued by another Member State of the European Union

**The condition for granting** the permit is also to present **the agreement on the admission of a foreigner in order to conduct scientific research or development works** under which the foreigner is to conduct a part of scientific research or development works in a scientific unit based in the Republic of Poland concluded with this unit in the form of contract of employment, contract for a specific task, contract of mandate or other civil law contract that specifies:

- a) The title or purpose of scientific research or development work or its subject;

- b) Commitment of the scientist to participate in conducting scientific research or development works;
- c) Obligation of the scientific unit to provide the scientist with conditions to fulfil his/her obligation;
- d) Start and end dates or estimated duration of scientific research or development work;
- e) The remuneration of the scientist and other conditions of his work;

**Initiating of the proceedings** on granting the permit to the foreigner **is refused**, if the foreigner, on the day of submitting the application for the permit:

- 1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee or
- 2) Applies for a temporary residence permit in order to perform work requiring high qualifications or holds such permit or
- 3) Application for granting this permit was submitted on the same day or within 14 days from the date of receipt by the Head of the Office for Foreigners of notification on the intention of the short-term mobility of the scientist.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **temporary residence permit** in order to use long-term mobility **is refused**, if:

- 1) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientists on the territory of the Republic of Poland, or
- 2) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union with the annotation "scientist" or the permissible period of stay indicated in that visa.

Apart from cases, mentioned in section 4.11 **temporary residence permit** to enjoy long-term mobility of the scientist is withdrawn, if:

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or
- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or
- 5) In the proceedings for granting him/her a temporary residence permit, he/she:
  - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or
  - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic, or
- 6) Subject to the obligation of treatment on the basis of Article 40(1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment or

7) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientist on the territory of the Republic of Poland.

If a foreigner holding a **national visa** in order to perform scientific research or development works or a **temporary residence permit** for the purpose of conducting research **intends to use scientist long-term or short-term mobility in another EU Member State, the scientific unit** in which a foreigner is conducting research or development work having its seat in Poland or **scientific unit in which a foreigner intends to conduct research or development works** having its registered office in a Member State of the European Union where the foreigner intends to use this mobility or a foreigner intending to use this mobility **shall notify about this intention to the competent authority of that Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification.

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#### 4.6.10. PERMIT FOR A TEMPORARY RESIDENCE FOR AN INTERNSHIP EMPLOYEE

Temporary residence permit for a internship is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to **complete an internship with an internship organizer** approved by the minister competent for internal affairs and the following conditions are met jointly:

1) The foreigner submits:

a) Submits a document confirming the **completion of higher education within the two years** immediately preceding the submission of the application for a permit or a document confirming that higher education studies outside of the European Union;

b) Holds a **written statement of the internship organizer** in which organiser undertakes to bear the costs related to the issuance and implementation of the decision on the foreigner's obligation to return.

2) **The contract** under which the foreigner will take up the training concluded in writing with the internship organizer determines:

a) Description of the internship program including information on its educational purpose or educational components theoretical and practical training, the position at which the internship will take place, the language in which the internship will take place, the level of language proficiency necessary to complete the internship, the scope and type tasks performed, knowledge, practical skills and work experience to be acquired;

b) Duration of the internship;

c) Conditions for completing and supervising the internship including specifying the place of performing the internship and appointing a internship employee supervisor;

d) Hours of internship

e) Rights and obligations of the parties regarding:

- Covering the costs of internship;

- Necessary medical examinations;

- Insurance against accidents;

- Days off;

- Conditions for terminating the contract.

f) The method of confirming the acquired knowledge, practical skills and professional experience;

3) The internship will be **adequate to the field and level of completed or undertaken** studies;

4) The foreigner has **completed a Polish language course** or other language in which the internship takes place or takes a course at the language proficiency level necessary for internship.

A foreigner should also meet the **conditions concerning the possession of health insurance, sufficient financial resources** to cover the costs of living and return travel to the country of origin or residence or transit costs to a third country which will grant permission to enter and **have a place of residence guaranteed on the territory of the Republic of Poland** (see point 4.5

**Internship** means carrying out tasks by a foreigner in order to acquire knowledge, practical skills and professional experience not constituting work on the basis of a contract with the internship organizer. The **internship organizer** may be a legal person or an organizational unit that is not a legal person to which the law grants legal capacity in which the internship takes place with its registered office on the territory of the Republic of Poland.

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit is refused, if the foreigner:

1) Holds a temporary residence permit for the purpose of performing work within the framework of an intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee;

2) Applies for a temporary residence permit in order to perform work requiring high skills or holds such permit.

Except general cases of refusal to grant temporary residence permit (see point 4.10) granting to foreigner this temporary residence permit and **is refused**, if:

1) The internship organizer operates mainly to facilitate the illegal entry or stay of internship employee on the territory of the Republic of Poland or

2) Internship organizer:

a) Is managed or controlled by a natural person that was legally:

- punished for the offence, mentioned in Article 120(1) of the Act of 20 April 2004 on promotion of employment and labour market institutions which within 2 years from punishing was punished again for similar offense or

- punished for offences, mentioned in Article 120 (3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) Fails to meet the obligation to pay social security premiums or

c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority, or

d) Does not run a business activity and the internship is in direct relation to such activity or

3) The bankruptcy of the internship organizer has been declared or is under liquidation, or

4) There are reasonable doubts as to the credibility of the foreigner's declarations regarding the purpose of his stay on the territory of the Republic of Poland due to evidence available to the authority or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for a temporary residence permit** the internship employee is refused a permit when the circumstances of the case indicate that the previous temporary residence permit was used for a purpose other than the purpose for which it was granted.

Apart from cases, mentioned in section 4.11 temporary residence permit is **withdrawn** from the foreigner, if:

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted or
- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or
- 4) In the proceedings for granting temporary residency permit, the foreigner:
  - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or
  - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic, or
- 5) Being subject to the treatment obligation pursuant to art. 40, para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans does not consent to this treatment, or
- 6) The internship organizer operates mainly to facilitate the illegal entry or stay of internship employees on the territory of the Republic of Poland or
- 7) Internship organiser:
  - a) Is legally managed or controlled by the natural person:
    - punished for the offence, mentioned in Article 120 (1) of the Act of 20 April 2004 on promotion of employment and labour market institutions, which within 2 years from punishing was punished again for similar offense or
    - punished for offences, mentioned in Article 120 (3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or
    - convicted for the offence, mentioned in Article 218–221 of the Penal Code or
  - b) Failed to meet the obligation to pay social security premiums or
  - c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or
  - d) Does not run a business activity and the internship is in direct relation to such activity, or
- 8) The bankruptcy of the internship organizer has been declared or it is liquidated.

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#### 4.6.11. PERMIT FOR A TEMPORARY RESIDENCE FOR A VOLUNTEER

A temporary residence permit for the volunteer is granted to a foreigner when the purpose of his stay in the territory of the Republic of Poland is to **participate in a European Voluntary Service program** and the following conditions are jointly met:

1) **The contract under which the foreigner is to perform the services as a volunteer** concluded with the organizational unit for which the foreigner is to perform these services determines the following:

- a) Description of volunteering;
- b) Duration of volunteering;
- c) Conditions for performing and supervising volunteering;
- d) Hours of provision of services,
- e) Funds to cover the costs of living and accommodation of a foreigner and a minimum amount of pocket money received by a foreigner;
- f) Trainings of a foreigner which are necessary to perform services;

2) **The organizational unit** for which the foreigner is to perform the services as a volunteer was **approved by the minister competent for internal affairs** for the purpose of accepting foreigners as volunteers.

A foreigner should also meet the **conditions in terms of having health insurance, sufficient financial resources** to cover the costs of living and return travel to the country of origin or residence or transit costs to a third country which will grant permission to enter **and have a place of residence guaranteed on the territory of the Republic of Poland** (see point 4.5

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit **is refused**, if the foreigner:

- 1) Holds a temporary residence permit for the purpose of performing work under the an intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee;
- 2) Applies for a temporary residence permit in order to perform work requiring high qualifications or holds such permit.

In addition to the general cases of refusal of temporary residence permit that apply to this permit (see point 4.10) the **foreigner is refused this permit**, when:

- 1) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer operates mainly to facilitate the unlawfully entry into or stay of the volunteer on the territory of the Republic of Poland, or
- 2) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer:

a) is legally managed or controlled by the natural person:

- punished for the offence, mentioned in Article 120(1) of the Act of 20 April 2004 on promotion of employment and labour market institutions which within 2 years from punishing was punished again for similar offense or

- punished for offences, mentioned in Article 120 (3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) Fails to meet the obligation to pay social security premiums or

c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority or

3) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer is liquidated, or

4) There are reasonable doubts as to the credibility of the foreigner's statements regarding the purpose of his stay on the territory of the Republic of Poland due to available evidence or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for a temporary residence permit** for a volunteer a permit is refused when the circumstances of the case indicate that the previous temporary residence permit was used for a purpose other than the purpose for which it was granted.

In addition to the general cases of temporary residence permit withdrawal that apply to this permit the permit is withdrawn when (see point 4.11):

1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or

2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is in force, or

3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or

4) In the proceedings for granting this permit the foreigner:

a) submitted the application containing untrue personal data or false information or attached documents containing such data or information or

b) testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or

5) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment, or

The organizational unit for which the foreigner performs or intends to perform the services as a volunteer operates mainly to facilitate unlawful entry or stay of the volunteer on the territory of the Republic of Poland, or

6) An organizational unit for which the foreigner performs or intends to perform the services as a volunteer:

a) Is legally managed or controlled by the natural person:

- punished for the offence, mentioned in Article 120 (1) of the Act of 20 April 2004 on promotion of employment and labour market institutions, which within 2 years from punishing was punished again for similar offense or

- punished for offences, mentioned in Article 120(3–5) of the Act of 20 April 2004 on promotion of employment and labour market institutions or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) failed to meet the obligation to pay social security premiums or

c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or

7) An organizational unit for which the foreigner performs or intends to perform the services as a volunteer is liquidated.

#### 4.6.12. PERMISSION FOR A TEMPORARY RESIDENCE FOR MEMBERS OF THE FAMILIES OF THE CITIZEN OF THE REPUBLIC OF POLAND

I. Temporary residence permit for a family member of Polish citizen **is granted** to the foreigner, if:

1. Remains, in regarded by the law of the Republic of Poland **marriage with Polish citizen** or
2. Is **minor of the foreigner who remains in**, regarded by the law of the Republic of Poland, **marriage with Polish citizen**, holding temporary residence permit for a family member of Polish citizen or permanent residence permit granted in connection with marriage with Polish citizen.

**Note.** In the proceedings for issuing the permit for spouse of a Polish citizen it is determined whether the marriage was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure. Confirmation of this fact may lead to refusal of granting the permit.

II. The foreigner who holds temporary residence permit for a family member of Polish citizen **is granted each time subsequent permit** in the case of:

1. Divorce or separation of the foreigner when it is justified by his/her important interest or
2. When foreigner become a widow/widower or
3. Death of the parent of a minor, when it is justified by important interest of this child.

III. Temporary residence permit for a family member of the Polish citizen **is granted for the period of up to 1 year to the foreigner, also** if:

1) **Is a child of a Polish citizen or his/her/her spouse**, and did not turn **21** or who **remains subsisted by Polish citizen or his/her/her spouse** or

2) **Parents of a Polish citizen or his/her/her spouse** who remain **subsisted by Polish citizen or his/her/her spouse**

- if Polish citizen lives on the territory of the Republic of Poland and **moves regularly from this territory to the territory of a Member State of the European Union in order to perform work on the territory of this country**, and lack of this permit would prevent the use of the free flow of employees.

IV. Temporary residence permit **may be granted to the foreigner being family member of the Polish citizen who lives on the territory of the Republic of Poland or the citizen of another Member State of the European Union Switzerland, Liechtenstein, Norway or Iceland other than this, mentioned in the Article 2(4) of the Act of 14 July 2006** on the entry into, residence in and exit from the Republic of Poland of nationals of the. European Union Member States and their family members who stays on the territory of the Republic of Poland together with this citizen – owing to:

a) **financial dependency from him/her or remaining in household in the country, from which the foreigner came** or

b) **serious health considerations** requiring personal care from this citizen.



V. Temporary residence permit **may be granted to the foreigner who conducts family life, as defined by the Convention on protection of rights and fundamental freedoms**, drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, No. 61, item 284, as amended) **with Polish citizen living on the territory of the Republic or citizen of another Member State of the European Union Switzerland, Liechtenstein, Norway or Iceland** with whom he/she stays on this territory.

In the case of permits, mentioned in **section IV and V**, the foreigner should meet conditions concerning **health insurance and a stable source and regular income**, adequate to cover the maintenance costs for himself and family members remaining subsisted by him/her (see point 4.5)

In the proceedings on granting temporary residence permit for the foreigner being a spouse of Polish citizen who conducts this proceedings, **determines whether the marriage has been concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure.**

In the proceedings on granting temporary residence proceedings to the foreigner, mentioned in section V, the authority which conducts proceedings, **shall determine in particular, whether bonds** of this foreigner with Polish citizen or citizen of another Member State of the European Union, Switzerland Liechtenstein, Norway or Iceland **are actual and permanent.**

In order to determine whether the marriage has been concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit or bonds of the foreigner are actual and fixed, the authority which conducts this proceedings **may submit the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner , **to conduct control activities**, mentioned in the Article 11(1) of the Act on foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

#### 4.6.13. TEMPORARY RESIDENCE PERMISSION FOR MEMBERS OF FAMILIES OF FOREIGNERS, THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO USE SHORT-TERM OR LONG-TERM MOBILITY OF THE SCIENTISTS' FAMILY

**Family member of the foreigner is understood as:**

- 1) A person being married to the foreigner, regarded by the law of the Republic of Poland;
- 2) The minor of the foreigner and persons being married to the foreigner, regarded by the law of the Republic of Poland, including adopted child;
- 3) The minor of the foreigner, including adopted child, being subsisted by him/her, over whom the foreigner actually express parental authority;
- 4) The minor of the person, mentioned in section 1, including adopted child, being subsisted by him/her, over whom he/she actually express parental authority.

Family member of the minor foreigner who has the refugee status or subsidiary protection, staying on the territory of the Republic of Poland unattended, is understood also as his/her preliminary in a straight line or adult person responsible for the minor, in accordance with the law of the Republic of Poland.

**I. Temporary residence permit in order to join the family is granted to the foreigner who stays on the territory of the Republic of Poland or stays on this territory in order to join the family and is a member of the family of the foreigner living on the territory of the Republic of Poland**

- a) on the basis of permanent residence permit,
- b) on the basis of long-term resident's EU residence permit,
- c) in connection with granting a refugee status,
- d) in connection with granting supplementing protection,
- e) for the period of at least 2 years on the basis of subsequent temporary residence permits, including directly prior to submission of the application for granting temporary residence permit for a family member – on the basis of the permit granted for a period of residence not shorter than 1 year,
- f) on the basis of a temporary residence permit for the purpose of conducting scientific research or a national visa in order to conduct scientific research or development works,
- g) on the basis of temporary residence permit for long-term mobility of the scientist,
- h) on the basis of temporary residence permit in order to perform work in the host profession requiring high qualifications,
- i) on the basis of temporary residence permit granted in order to perform work under the transfer within the enterprise,
- j) on the basis of a temporary residence permit granted for the purpose of long-term mobility of a managerial specialist or internship employee as part of an intra-corporate transfer,
- k) on the basis of a temporary residence permit granted to a foreigner who directly before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research completed scientific research or development works and searches for work in the Republic of Poland or plans to start business on this territory,
- l) In connection with granting residence permit for humanitarian reasons.

II. Temporary residence permit **may be granted to a minor of the foreigner** who stays on the territory of the Republic of Poland **on the basis of the national visa or temporary residence permit**, if this child **was born throughout the term of validity** of this national visa or temporary residence permit.

III. **Separate temporary residence permit is granted** to the foreigner who is married to a foreigner who lives on the territory of the Republic of Poland or is an adult child of the foreigner who lives on this territory and **who stays on the territory of the Republic of Poland for at least 5 years on the basis of temporary residence permit in order to join the family.**

In the case of a spouse or adult child of the foreigner who lives on the territory of Poland on the basis of temporary residence permit in order to perform work requiring high qualifications **residence on the territory of a Member State of the European Union as a family member of the owner of "Blue EU Card" is envisaged, published in connection with granting residence permit in order to perform work requiring high qualifications, if for least 2 years, immediately before submitting the application, stayed on the territory of the Republic of Poland on the basis of temporary residence permit in order to join the family as family members of the foreigner living on the territory of Poland on the basis of temporary residence permit in order to perform work in the profession requiring high qualifications.**

IV. The foreigner who stayed on the territory of the Republic of Poland on the basis of temporary residence permit in order to join the family, **is granted each time** temporary residence permit when it is justified by **his/her important interest**, in the case of:

- 1) Divorce, separation or becoming a widow/widower of this foreigner, if he/she was married to a foreigner who lives on the territory of the Republic of Poland, recognized by the Polish law or

- 2) Death of the parent being a foreigner who lives on the territory of the Republic of Poland or
- 3) Death of a minor, having refugee status or subsidiary protection.

In the case of temporary residence permit, mentioned in section I, II, III, the foreigner should meet conditions concerning **health insurance, stable and regular source of income** adequate to cover the maintenance costs for himself and family members being subsisted by him/her and having **place of residence provided on the territory of the Republic of Poland** (see section 4.5) These Terms **shall not apply** to the temporary residence permit in order to join the family (section I) granted for the family member of the foreigner who have been granted with a refugee status or subsidiary protection and when the application for granting this permit was **submitted before the end of 6 months from the date of obtaining a refugee status or granting subsidiary protection.**

When granting temporary residence permit for a family member of the foreigner, the requirement to have a stable and regular source of income **is understood as fulfilled also when maintenance costs of the foreigner will be covered by the family member obliged to its maintenance who lives on the territory of the Republic of Poland.**

In the proceedings for granting or withdrawal of the temporary residence permit in order to join the family, the following is accepted:

- 1) The interest of the minor;
- 2) Nature and durability of family bonds on the territory of the Republic of Poland;
- 3) Period of stay of a foreigner on the territory of the Republic of Poland;
- 4) The existence of family, cultural and social bonds with the state of origin.

In the proceedings on granting temporary residence permit in order to join the family (section I) the foreigner being a spouse of the foreigner, the authority which conducts proceedings **shall determine whether the marriage was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit.**

In order to determine whether the marriage was concluded in order to evade the act on foreigners, the authority which conducts this proceedings **may submit the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner, **to conduct control activities**, mentioned in the Article 11(1) of the Act on foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

**NOTE:** If the foreigner stays outside the borders of the Republic of Poland, the application on granting temporary residence permit in order to join the family (section I) is submitted **by the foreigner who lives in Poland**, to whom the member of the family arrives. Submission by the foreigner who lives on the territory of the Republic of Poland, the application for granting temporary residence permit in order to join the family on behalf of the member of his/her family, requires **written consent** of this member of the family or his/her statutory representative, unless the applicant is his/her statutory representative. Expression of such consent is synonymous with granting to the foreigner who lives on the territory of the Republic of Poland **power of attorney to act on behalf of the family member in a given proceedings.**

V. **Mobility of a family member of the scientist** is the right of the foreigner to enter and stay on the territory of the European Union Member States for the purpose of staying with the scientist enjoying

mobility resulting from the possession of a valid residence permit referred to in art. 1, point 2 ) of Council Regulation (EC) No. 1030/2002 (equivalent to a Polish residence card) or a long-term visa with the annotation "scientist" issued by a European Union Member State other than the one in which the researcher uses this right. Mobility can be short-term or long-term.

**Short-term mobility of a family member of the scientist** means using mobility for up to 180 days in any period of 360 days in any EU Member State. In contrast **long-term mobility of a family member of the scientist** means using mobility for a period exceeding 180 days in a given Member State of the European Union.

In order for the foreigner to enjoy **short term mobility of the family member of the scientist** on the territory of the Republic of Poland it is necessary for the Head of the Office for Foreigners to:

- Receive the **notice on the intention to use this mobility** by a foreigner from scientific unit having the registered office on the territory of the Republic of Poland approved by the minister competent for the internal affairs.
- The Head of the Office for Foreigners has not issued on objection within 20 days.

A foreigner wishing to enjoy the mobility of a short-term family member of the scientist on Polish territory should also have a residence permit for joining the family and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist".

**The notification** should be made **in Polish language**, submitted in writing, in paper or electronic form to the electronic delivery box of the Head of the Office for Foreigners and contain **data and information on the foreigner** intending to enjoy short-term mobility:

- 1) Name (names) and surname;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) Position on which the foreigner will perform the work;
- 6) Planned period or periods of performing the work on the territory of the Republic of Poland;
- 7) The name of the European Union Member State that issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist";
- 8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;
- 9) Validity period of the residence permit for the purpose of family reunification and the residence permit issued in connection therewith referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 granted to a member of the family of the scientist by a Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist";
- 10) Information on the health insurance owned by a family member of the scientist;

11) Information on funds held by a family member of the scientist for covering the costs of living and return travel costs to the European Union Member State referred to in point 7;

12) Name and address of a scientific institution established on the territory of a Member State of the European Union referred to in item 7 in which institution the scientist whose family member is a foreigner conducts or until so far conducted research or development works;

13) Name and address of a scientific unit on the territory of the Republic of Poland in which scientific researches or development works are or will be conducted by the scientist;

14) Name, surname, official position and signature of a person or persons authorized to represent a scientific unit having its registered office in the territory of the Republic of Poland.

In addition the notice should be accompanied by **the following documents**:

1) Proof that the foreigner has health insurance (see point 4.5);

2) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation in an appropriate amount (see point 4.5)

3) Proof of a residence permit for the purpose of family reunification, and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the scientist the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist".

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners issues a **decision on objection** in the event that:

1) Residence permit for the purpose of family reunification, and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the scientist the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist", does not include the period of planned short-term mobility of a family member of the scientist;

2) The foreigner does not have health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds or proof of coverage by the insurer of medical costs on the territory of the Republic of Poland, or

3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the Member State of the European Union which issued to the scientist with whom the foreigner intends to reside on the territory of the Republic of Poland the residence permit referred to in art. 1, point 2 (a) of the Regulation No 1030/2002 or a long-term visa with the annotation "scientist" in an appropriate amount (see point 4.5); or

4) The notification contains false personal data or false information or attached documents containing such data or information or has been forged or altered, or

5) The foreigner's data is entered into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable, or

6) The foreigner's data can be found in the Schengen Information System for the purposes of refusing entry

7) It is required by the defence or security reasons of the state or the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in point 7. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

In order for a foreigner to enjoy **long-term mobility of the family member** of a scientist on Polish territory it is necessary to apply for a temporary **residence permit for the purpose of long-term mobility of a family member of the scientist**.

To obtain the above permit the foreigner should meet the conditions regarding the possession of **health insurance, sufficient financial resources** and possession of the **place of residence** provided in Poland (see point 4.5). In addition the foreigner should have a residence permit for the purpose of family reunification and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 granted by a Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist". In addition a scientist using or intending to use long-term scientist mobility with whom a foreigner who is a member of his family should stay on the territory of the Republic of Poland has a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" issued by another Member State of the European Union.

**Initiation of proceedings in the matter of granting a permit** to a foreigner is **refused** when a foreigner on the day of submitting the application for granting the permit:

1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee, or

2) Applies for a temporary residence permit in order to work in a position requiring a high qualifications or holds such permit, or

3) Application for granting this permit was submitted on the same day or within 14 days from the date of receipt by the Head of the Office for Foreigners of notification on the intention on the short-term mobility of the scientist.

In addition to the general cases of refusal of temporary residence permit applicable for this permit (see point 4.10), granting a temporary residence permit to use the long-term mobility of a family member of the scientist is **refused** once the validity of the residence permit document issued by another EU Member State referred to in Article 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" owned by the scientist with whom a family member resides on the territory of the Republic of Poland has expired.

In addition to the general cases of withdrawal of a temporary residence permit applicable to this permit (see point 4.11), a temporary residence permit for the purpose of using long-term mobility is **withdrawn** when:

- 1) Entry of the foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or
- 2) It is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or
- 3) While being subject to a treatment obligation pursuant to art. 40 para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans does not consent to this treatment.

In case foreigner who is a family member of a scientist holding a **temporary residence permit for a family reunification** intends to **enjoy the mobility of a short-term or long-term family member of a scientist in another EU Member State**, a scientist whose family member is that **foreigner, a scientific unit** in which scientist conducts scientific research or development work located on the territory of the Republic of Poland or a **scientific institution** in which the scientist intends to conduct research or development work based in that other Member State of the European Union **notify about this intention the competent authority of this Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification

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#### 4.6.14. RESIDENCE ON THE TERRITORY OF THE REPUBLIC OF POLAND OF FOREIGNERS WHO ARE VICTIMS OF HUMAN TRAFFICKING

The foreigner, to whom there is a **presumption that he/she is a victim of human trafficking** it is necessary to issue **certificate** confirming the existence of such presumption.

The residence of the foreigner on the territory of the Republic of Poland **shall be deemed to be legal for the period of validity of the issued certificate.**

The certificate is **valid for the period of 3 months** from the date of its issuance, and in the case of **the minor foreigner – for the period of 4 months** from the date of its issuance.

The residence of the foreigner **ceases to be deemed legal** upon reporting by the minister competent for internal affairs information in the register that the foreigner:

- 1) **Actively, voluntarily and on its own initiative entered into contact with people suspected to have committed a crime of human trafficking or**
- 2) **Exceeded or tried to pass the borders against legal provisions.**

Such information is transferred by the authority which issued the certificate.

**The certificate is issues to the foreigner by the authority competent to conduct the proceedings in the case of human trafficking.**

The authority competent to conduct the proceedings with regard to human trafficking instructs the foreigner in writing, in the understandable language on the regulations concerning legal nature of the residence of the foreigner during granting of the above mentioned certificate and on circumstances, causing that the residence of the foreigner ceases to be considered as legal as well as informs on the authority competent to issue the certificate and validity period of this certificate. The authority which issued the certificate to the foreigner shall notify the competent minister for internal affairs on this matter.

**Temporary residence permit for victims of human trafficking is granted to the foreigner, if he/she jointly meets the following conditions:**

- 1) Stays on the territory of the Republic of Poland,
- 2) Cooperates with the authority competent with regard to conducting proceedings concerning human trafficking, and in the case of the minor foreigner – received status of a victim in this proceedings,
- 3) Terminated contacts with persons suspected to have committed a crime of human trafficking.

**The entity conducting proceedings concerning granting temporary residence permit for victims of human trafficking to the foreigner provides the foreigner who does not speak Polish in a sufficient degree, with a possibility to use translator's assistance.**

Temporary residence permit for victims of human trafficking **is withdrawn** from the foreigner:

- 1) If the reason for residence cease to exist, which was the reason for granting the permit or if the foreigner failed to meet the requirements of granting permission for temporary residence owing to the declared purpose of residence cease to exist, in particular if the foreigner **terminated cooperation with the authority competent for conducting proceedings concerning human trafficking** or when **such proceedings was finished** or
- 2) If it is required due to considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or
- 3) In the proceedings for granting temporary residence permit:
  - (a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or
  - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic.

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#### 4.6.15. TEMPORARY RESIDENCE PERMIT DUE TO CIRCUMSTANCES REQUIRING A SHORT-TERM RESIDENCE

Temporary residence permit owing to the circumstances requiring short-term residence of the foreigner on the territory of the Republic of Poland can be granted to the foreigner who stayed on this territory, if:

- 1) He/she is obliged to show in person in front of a Polish public authority or
- 2) Presence of the foreigner on the territory of the Republic of Poland is justified by his/her exceptional personal situation or
- 3) Presence of the foreigner on the territory of the Republic of Poland is justified by the interest of the Republic of Poland.

Such permit **is granted for any period justifying residence not exceeding 6 months.**

Apart from general applicable cases of withdrawal temporary residence permit (see section 4.11), temporary residence permit owing to the circumstances requiring short-term residence **is withdrawn** from the foreigner if his/her data can be found in **Schengen Information System** for the purposes to refuse the entry.

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#### 4.6.16. TEMPORARY RESIDENCE PERMIT DUE TO SEASONAL WORK



Such permit shall be granted to the foreigner in the case when the purpose of the residence on the territory of the Republic of Poland is to perform work, mentioned in the Article 88 (2) of the Act of 20 April 2004 on promotion of employment and labour market institutions (seasonal work), **for the entity entrusting the performance of work or other entity delegating work performance.**

The foreigner should meet conditions concerning **health insurance** and **stable and regular source of income** adequate to cover the maintenance costs for himself and family members being subsisted by him/her (see section 4.5).

**Additional conditions for granting the permit:**

- The foreigner entered on the territory of the Republic of Poland **on the basis of a visa issued in order to perform seasonal work** or under visa-free traffic, in connection with the application for the issuance of seasonal work permit entered to the application records, mentioned in the Article 88p(10)(1) of the Act of 20 April 2004 on promotion of employment and labour market institutions;
- Holds the **seasonal work permit** or **extended seasonal work permit**, valid in the period exceeding the period identified by the visa or the period of residence under visa-free traffic;
- Is provided with **accommodation** on the territory of the Republic of Poland.

Temporary residence permit owing to the seasonal work may be also granted if the circumstances applying for this permit **do not justify the residence of the foreigner on the territory of the Republic of Poland within the period longer than 3 months.**

Apart from general, applicable cases of refusal to grant temporary residence permit (see section 4.10) the permit **is refused from the foreigner**, if he/she fails to meet the requirements of granting such permit. Apart from general applicable cases of withdrawal temporary residence permit (see section 4.11), the permit **is withdrawn from the foreigner**, if:

- **The purpose for residence cease to exist** due to which the permit was granted or
- The foreigner **failed to meet requirements** for granting such permit.

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#### 4.6.17. EMPORARY RESIDENCE PERMIT DUE TO OTHER CIRCUMSTANCES

I. Temporary residence permit owing to other circumstances **is granted** to the foreigner, if:

- 1) He/she intends, as **a family member, to live on the territory of the Republic of Poland jointly with migrating employee**, mentioned in section 19, part I and the Article 19, part II of Social European Card, drawn up in Turin on 18 October 1961 (Journal of Laws of 1999 No. 8, item 67 of 2010 No. 76, item 491 and of 2011 No. 168 item 1007), **or conducting business activities on their own account along with the foreigner**, mentioned in the Article 19(10) part II of Social European Card, drawn up in Turin on 18 October 1961, or
- 2) Is a minor foreigner **born on the territory of the Republic of Poland and stays on this territory unattended**, or
- 3) **Holds long-term resident's EU residence permit granted by other Member State of the European Union**, and:
  - a) Intends to perform work or conduct business activities on the territory of the Republic of Poland on the basis of the provisions binding in this respect on this territory or
  - b) Intends to undertake or continue studies or vocational trainings on the territory of the Republic of Poland or

c) Proves that there are other circumstances justifying his/her stay on the territory of the Republic of Poland or

4) is a **family member of the foreigner, mentioned in (3)** with whom he/she stayed on the territory of other Member State of the European Union and accompanies him/her or intends to join him/her, or

5) has the right to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Council of the Association of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal EC L 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1), or

6) Is a **graduate of Polish higher education institution**, and is looking for work on the territory of the Republic of Poland or plans to start a business in that territory, or

7) Immediately prior to submitting the application for this permit he/she stayed on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research, **completed scientific research or development work** and is looking for work in the Republic of Poland or plans to start business in that territory.

**Family member, mentioned in (1), is understood as spouse or children having less than 21 years, being subsisted by migrating employee or persons conducting business activities.**

**Family member of the foreigner, mentioned in (3), is understood as the foreigner, belonging to family members eligible to grant temporary residence permit in order to join the family.**

II. Temporary residence permit owing to other circumstances **is granted** to the foreigner, if the foreigner:

1) Intends to take or continue on the territory of the Republic of Poland:

a) **Education**, or

b) **Vocational training**, or

2) Is a **clergyman**, member of an order or person serving religious function in the church or religious association whose status is regulated by the international contract, regulations binding on the territory of the Republic of Poland or operates on the basis of the entry in the register of churches and other religious associations, and if his/her stay on the territory of the Republic of Poland is connected with the performed function or preparation to its performance or

3) Is a **victim in the criminal proceedings being underway against an entity delegating work performance (employer)**:

a) As a result of crime of delegating work performance under conditions of special use, mentioned in the Article 10(1) of the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland (Journal of Laws, item 769), or

b) Is the minor foreigner who was to perform work during illegal residence, or

4) Directly prior to the submission of the application for granting the permit, stayed on the territory of the Republic of Poland on the basis of permit, mentioned in (4), until the receipt of remuneration from the entity entrusting performance of work or entity, mentioned in the Article 6 or Article 7 of the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland, or

5) **His/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for the right to family life, as defined by the Convention on protection of human rights** and

fundamental freedoms, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally**, or

6) **His/her entry on the territory of the Republic of Poland would breach the rights of the child, defined in the Convention on the Rights of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally**, or

7) **Demonstrated that there are other circumstances** than those specified in Section V of the Act on foreigners, concerning temporary residence permit justifying his/her stay on the territory of the Republic of Poland.

In the case of a permissions for temporary residence owing to other circumstances, indicated in the section I(1)(3) or 4 and in section II(1-3)(5) or (8), the foreigner should meet the condition on signing **health insurance** (see point 4.5).

In the case of temporary residence permit owing to other circumstances, indicated in the section I(1)(3) or (4) and in section II(1) (b) or (8), the foreigner should meet the condition on holding **stable and regular source of income** adequate to cover the maintenance costs for himself and family members being subsisted by him/her (see section 4.5) This requirement is **understood as fulfilled**, also if **maintenance costs of the foreigner shall be covered by the family member obliged to his/her maintenance who lives on the territory of the Republic of Poland**.

In the case of temporary residence permit owing to other circumstances, indicated in section I(3) or (4) (6) or (7) and in point II, item (1), (2), (4) or (7), the foreigner should meet the condition on having **place of residence on the territory of the Republic of Poland** (see point 4.5).

In the case of temporary residence permit in order to undertake or continue education, the foreigner should meet the condition on having **sufficient financial resources to cover the costs of residence, maintenance and return** (see section 4.5) **and costs of education**.

In the case of a temporary residence permit for a **graduate of a Polish university** and the **scientist who completed scientific research or development works** indicated in point I, item 6 or 7, the foreigner should meet the condition of having sufficient financial resources to cover the costs of living and return. In addition a graduate of a Polish higher education institution is required to present a diploma of higher education institution at a Polish higher education institution. However, the scientist should present a document issued by a scientific unit based on the territory of the Republic of Poland in which he conducted scientific research or development works confirming the completion of such research or works.

In the case of permission for temporary residence, mentioned in section II (2) or (4), the foreigner should meet the condition on having **maintenance provided on the territory of the Republic of Poland**.

In the proceedings on granting temporary residence permit, mentioned in section I (4) the provisions of the Act on foreigners concerning determination **whether the marriage of the foreigner was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure** shall apply.

#### 4.7 PERIOD FOR WHICH A TEMPORARY RESIDENCE PERMIT IS GRANTED

**Temporary residence permit is granted each time for a period necessary to implement residence purpose on the territory of the Republic of Poland, however not longer than 3 years.**

In the case of temporary residence permit:

- In order to **perform work under transfer within the enterprise** or to **use long-term mobility of the employee of a managerial specialist or internship employee as part of an intra-corporate transfer**, in the event when the goal of residence of the foreigner on the territory of the Republic of Poland is to perform the work as the employee on **internships** under transfer within the enterprise – for the period of up to 1 year. Permit in order to **use long-term mobility of the employee of a managerial specialist or internship employee as part of an intra-corporate transfer** is granted for a period not longer than the period of validity of the foreigner's residence document, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002, with "ICT" annotation, issued by other Member State of the European Union
- In order to **study at higher education institution** – the first permit for the foreigner who undertakes studies on the first year, is granted for a period of 15 months, and where the studies are covered by an EU program or a multilateral program including mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility the first temporary residence permit is granted for a period of 2 years. If the circumstance justifying the application for a temporary residence permit justifies the stay of a foreigner on the territory of the Republic of Poland for a period shorter than the 15 months or two years described above the first permit for a foreigner who undertakes studies on the territory of the Republic of Poland in the first year is granted for the duration of Academic year or study extended by 3 months. Subsequent permits may be granted for up to 3 years;
- In order to conduct **scientific research** - for the period of up to 3 years. If the purpose of residence justifies the fact that the foreigner lives on the territory of the Republic of Poland for less than 3 years, permission for temporary residence in order to conduct scientific research shall granted for a period of research project implementation or for a period of conducting scientific research or development works on the territory of the Republic of Poland. Temporary residence permits for long-term mobility of the scientist are granted for the period of scientific research or development works on the territory of Poland, however not longer than the period of validity of the residence permit referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or the period of stay resulting from a long-term visa with the annotation "scientist" issued by another Member State of the European Union;
- For the **internship employee** - for the period necessary to perform the contract under which the foreigner will be undertaking internship, no longer than 6 months;
- For a **volunteer** - for the period necessary to perform the contract under which the foreigner is to perform the services as a volunteer, not longer than 1 year;
- For **family reunification** - for the period up to date of granting the temporary residence permit for the foreigner, where he/she intends to arrive or arrived in order to join with family and if the foreigner has permanent residence permit, long-term resident's EU residence permit, supplementary protection, residence permit for humanitarian reasons or refugee status assigned in the Republic - for the period of up to 3 years;
- For **the long-term mobility of a family member of the scientist** - until the date on which the expiry date of a temporary residence permit in order to enjoy long-term mobility of the scientist granted to a foreigner with whom a family member is staying on the territory of the Republic of Poland.
- For **the minor of the foreigner who** stays on the territory of the Republic of Poland on the basis of national visa or temporary residence permit, if this child was born throughout the term of validity of this national visa or temporary residence permit - for the period until the day, when validity of national visa or temporary residence permit granted to the statutory representative of the child cease to exist;
- For **the victim of human trafficking** – for the period of at least 6 months;
- Owing to the **circumstances requiring short-term residence** - for the period necessary to implement the goal, due to which it was granted, not longer than 6 months;

- Due to **seasonal work** - for the period of the foreigner's seasonal work permit or extended seasonal work permit, not longer than 9 months from the date of the first entry into the territory of the Republic of Poland in a given calendar year on the basis of a visa in order to perform seasonal work or under visa-free traffic in connection with the application for issuing seasonal work permit entered to the applications register, mentioned in the Article 88p(10)(1) of the Act on promotion of employment and labour market institutions;
- In order to undertake or continue **education or vocational training** – for the period of education or vocational training, not longer than for a period of 1 year;
- For the **graduate of the Polish higher education institution** - directly upon finishing studies, each time for a period of 1 year;
- For the **scientist who has completed research or development work** immediately after completion of scientific research or development work, once for a period of 9 months;
- For **the family member of the foreigner having long-term resident's EU residence permit granted by other Member State of EU** – for a period of the validity of temporary residence permit granted for long-term EU resident.

#### 4.8 LEAVING THE APPLICATION WITHOUT CONSIDERATION

**Application for granting temporary residence permit is left without examination if the application:**

1. **Contains formal shortages**, which were not completed by the foreigner despite the summons to do this within not less than 7 days **which are understood as, for instance:**
  - Failure to submit the application on the appropriate form,
  - Failure to fulfil all required columns in the application form;
  - Failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
  - Failure to apply 4 current and relevant photographs;
2. The application for granting temporary residence permit was not submitted by the foreigner in person, and despite the summons to show up in person within the time not less than 7 days, the foreigner did not show in the office (except for applications for granting temporary residence permit in order to join the family submitted on behalf of the foreigner who is outside the territory of Poland - see section 4.6.13, section I and application for a temporary residence permit for intra-corporate transfer or long-term mobility of a managerial specialist or internship employee under the intra-corporate transfer submitted by the host entity).

#### 4.9 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING TEMPORARY RESIDENCE PERMIT

**Initiation of the proceedings** for granting temporary residence permit **is refused**, if on the day of submitting application for granting this permit the foreigner:

- 1) Holds permanent residence permit or long-term resident's EU residence permit, or
- 2) Stays on the territory of the Republic of Poland on the basis of Schengen visa authorizing only to enter into the territory, issued in order to arrive for humanitarian reasons, state interest or international liabilities, or
- 3) Stays on the territory of the Republic of Poland on the basis of temporary residence permit owing to the circumstances requiring short-term residence, or

- 4) Stays on the territory of the Republic of Poland on the basis of permit for a tolerated stay or residence permit for humanitarian reasons or in connection with granted asylum, supplementing protection or granted refugee status in the Republic of Poland, or
- 5) Applies for granting refugee status or asylum, or
- 6) Is detained, placed in guarded centre or jail for foreigners or preventive measure are used against him/her in the form of a ban on leaving the country, or
- 7) Is imprisoned or is under temporary arrest, or
- 8) Stays on the territory of the Republic of Poland after he/she was obliged to return, the term of voluntary return has not elapsed, mentioned in the decision on obligation of the foreigner to return, also in the case of extension of this period, or
- 9) Is obliged to leave the territory of the Republic of Poland in the case of refusal to grant or withdrawal of the residence permit, or in the event of refuse to grant or withdraw the international protection, or
- 10) Stays outside the Republic of Poland.

Apart from the above mentioned cases, initiation of the proceedings for granting temporary residence permit is refused, if during the submission of the application for granting this permit or in additional term indicated by the voivode, **failed to give fingerprints in order to issue residence card**.

Section 10 shall not apply in the case of the application for granting temporary residence permit in order to **join the family**, if the foreigner, to whom the application relates, stays outside the territory of Poland (see section 4.6.13, section I).

In the proceedings for granting permission for temporary residence in order to perform work under the **transfer within the enterprise** and temporary residence permit in order to **use long-term mobility of an employee of the managerial staff specialist or internship employee as part of an intra-corporate transfer** shall not apply the above mentioned grounds to refuse to initiate the proceedings (see section 4.6.3 and section 4.6.4).

In the proceedings for granting temporary residence permit for **victims of human trafficking** shall not apply grounds to refuse to initiate the proceedings, mentioned in section 2 and 4–6.

In the proceedings for granting temporary residence permit owing to the circumstances requiring **short-term residence** shall not apply grounds to refuse to initiate the proceedings, mentioned in section 2, 3 and 6–8.

#### 4.10 REFUSAL TO GRANT TEMPORARY RESIDENCE PERMIT

**Temporary residence permit may not be granted to the foreigner, if:**

- 1) He/she fails to meet requirements for granting temporary residence permit owing to the declared purpose of residence card or circumstances which form the basis for applying for this permit, not justify his/her stay on the territory of the Republic of Poland within period longer than 3 months, or
- 2) Entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesirable, is valid, or
- 3) His/her data can be found in Schengen Information System to refuse the entry, or

- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland, or
- 5) In the proceedings for granting temporary residence permit, the foreigner:
  - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or
  - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or
- 6) He/she is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or
- 7) He/she failed to pay costs related to issuance and execution of the decision on obligation of the foreigner to return which were covered from the state budget, or
- 8) He/she while subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on prevention and counteracting of infectious diseases in people, the foreigner does not express his/her consent to this treatment, or
- 9) He/she submitted an application during illegal residence on the territory of the Republic of Poland or stays on this territory illegally.

The foreigner who was granted temporary residence permit, **notifies the voivode within 15 business days the cessation of causes for granting the permit to the voivode who granted this permit.** If the temporary residence permit has been granted by the Head of the Office for Foreigners in the second instance the notification is addressed to the voivode who ruled on the granting of this permit in the first instance. The foreigner may not be granted temporary residence permit in the case of failure to perform the above mentioned obligation, if the application for granting subsequent temporary residence permit was submitted before the end of 1 year from the end of the period of validity of preceding permit or from the date when the decision on withdrawal of temporary residence permit became final.

If the foreigner's data can be found in **Schengen Information System to refuse the entry** (section 3), temporary residence permit may be granted taking account of interest of states, which made the entry to the Schengen Information System, if there occurred serious causes justifying granting this permission, in particular humanitarian considerations or resulting from international obligations.

In the proceedings for granting temporary residence permit in order to **perform work in profession requiring high qualifications**, in order to undertake **studies**, in order to conduct **scientific research**, in order to **join the family** (mentioned in section 4.6.13, section I), temporary residence permit to enjoy **long-term mobility of a family member of a scientist** (referred to in point 4.6.13. section V) grounds to refuse to grant permissions listed in section 6 and 7 shall not apply.

Grounds for refusal to grant temporary residence permit in order to **perform work by posted foreigner** by the foreign employer on the territory of the Republic of Poland, mentioned in section 9 shall not apply to the foreigner who is temporarily delegated to provide services on the territory of the Republic of Poland by the employer having its registered office on the territory of a Member State of the European Union, of a Member State of European Free Trade Association (EFTA) – parties to the contract

on the European Economic Area or Swiss Confederation, authorized to stay and work on the territory of this country.

In the proceedings for granting temporary residence permit in order to **perform work under intra-corporate transfer** shall not apply grounds to refuse to grant permit, mentioned in section 5 – 9. In the case of applying for granting **subsequent temporary residence permit in order to perform work under the intra-corporate transfer** and in the proceedings for granting temporary residence permit in order to **use long-term mobility of an employee of the managerial staff specialist or internship employee under the intra-corporate transfer** including for granting subsequent permission, grounds to refuse to grant permissions listed in section 5 – 7 and 9.

In the proceedings for granting temporary residence permit **for a family member of Polish citizen – in the case of the foreigner being married to a Polish citizen** or temporary residence permit **in order to join the family – in the case of the foreigner being married to a foreigner** (mentioned in section 4.6. 13., section I), grounds to refuse to grant permissions listed in section 6-9 shall not apply.

In the proceedings for granting temporary residence permit for **family member of Polish citizen** or temporary residence permit **in order to join the family** grounds to refuse to grant permissions mentioned in section 8 shall not apply, if the foreigner applies for subsequent permit.

In the proceedings for granting temporary residence permit for a family member of the citizen of the Republic of Poland – **the minor of the foreigner being married to Polish citizen** and holding temporary residence permit for a family member of Polish citizen of Poland or permanent residence permit granted in connection with being married to Polish citizen or in the proceedings on granting temporary residence permit for **the minor of the foreigner** who stays on the territory of the Republic of Poland **on the basis of the national visa or temporary residence permit**, if this child **was born throughout the term of validity** of this national visa or temporary residence permit, grounds to refuse to granting the permit, mentioned in section 9, if the sole cause to refuse would be illegal residence of this foreigner on the territory of the Republic of Poland.

To refuse granting temporary residence permit in order to join the family shall not apply grounds to refuse to grant permit, mentioned in section 9, in the case of **the family member of the foreigner who have been granted a refugee status or subsidiary protection and**, if family already existed in the country of origin of the foreigner and member of his/her family stayed on the territory of the Republic of Poland , on the day of submitting the application for international protection by this foreigner.

In the proceedings for granting temporary residence permit for **victims of human trafficking**, grounds to refuse to grant permissions listed in section 2, 3 and 6–9 shall not apply.

In the proceedings for granting temporary residence permit owing to the **circumstances requiring short-term residence**, grounds to refuse to grant permissions listed in section 2 and 6-9 shall not apply.

In the proceedings for granting temporary residence permit due to **seasonal work** grounds to refuse to grant permit mentioned in item 1 shall not apply in the scope concerning circumstances being the basis for applying for this permit which do not justify the residence of the foreigner on the territory of the Republic of Poland within the period longer than 3 months.

To refuse granting temporary residence permit for the foreigner due to **other circumstances**, there have to be grounds to refuse to grant permit, listed in:



- section 9 in the case of the permit for **minor born on the territory of the Republic of Poland, staying on this territory unattended** and permit for **the victim in the criminal proceedings being underway against an entity delegating work performance**;

- section 8 in the case of the permit for **the holder of the long-term resident's EU residence permit granted by other Member State of the European Union or permit for the member of his/her family**, if the foreigner applies for granting subsequent permit;

- section 6 and 7 in case of permit:

a) For **the holder of long-term resident's EU residence permit granted by other Member State of the European Union, or**

b) For **the member of his/her family** the holder of the long-term resident's EU residence permit granted by other Member State of the European Union, or

c) For the **graduate of a Polish higher education institution** seeking employment on the territory of the Republic of Poland or planning to start a business in that territory, or

d) For the foreigner who immediately before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research, **completed research or development work**, and is seeking employment in the Republic of Poland or plans to start business activity on this territory.

- section 2 and 3 and 6–9 in the case of permit granted to the foreigner:

a) Holding the right to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal EC L 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1), or

b) If his/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for **the right to family life, as defined by the Convention on protection of human rights and fundamental freedoms**, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally**, or

c) If his/her entry into the territory of the Republic of Poland breaches **the right of the child, defined in the Convention of the Right of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally**.

The foreigner who **has reached maturity during his/her stay** on the territory of the Republic of Poland and submitted an application for granting temporary residence permit due to **other circumstances, within 1 one year from the date when he/she has reached the maturity** it is not possible to refuse to grant such permit when it is justified by particularly important interest of the foreigner and **the sole basis for refusal would be illegal stay** on the territory of the Republic of Poland.

#### 4.11 WITHDRAWAL OF THE TEMPORARY RESIDENCE PERMIT

**Temporary residence permit may be withdrawn from the foreigner, if:**

- 1) The purpose of residence ceased, which was the reason for granting temporary residence permit, or
- 2) He/she ceased to meet the requirements of granting temporary residence permit due to declared purpose of residence, or
- 3) Entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is in force or
- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland, or
- 5) In the proceedings for granting temporary residence permit, the foreigner:
  - a) submitted the application containing untrue personal data or false information or attached documents containing such data or information, or
  - b) testified untruthfully or concealed the truth or forged or reworked a document for use as authentic or used as authentic or
  - b) testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or
- 6) He/she is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or
- 7) He/she failed to pay costs related to issuance and execution of the decision on obligation of the foreigner to return which were covered from the state budget or
- 8) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on prevention and counteracting of infectious diseases in people, the foreigner does not express his/her consent to this treatment.

Temporary residence permit in order to **perform work under transfer within the enterprise** and temporary residence permit in order to **use long-term mobility cannot be withdrawn due to** reasons, mentioned in section 5 – 7.

Temporary residence permits for the purpose of **study**, temporary residence permit for **carrying out research** or temporary residence permit for **long-term mobility of the scientist**, temporary residence permit for an internship employee, and temporary residence permit for a **volunteer are not withdrawn** for reasons referred to in points 6 - 7

Temporary residence permit for a family member of the Polish citizen granted to the foreigner who is **married to a citizen of the Republic of Poland** or permit in order to join the family granted to the foreigner who is **married to a foreigner who has been granted permanent residence permit or long-term resident's EU residence permit** on the territory of the Republic of Poland **cannot be withdrawn due to** the reasons, mentioned in section 6-8.

Temporary residence permit granted to the foreigner:

- a) For the **long-term mobility of a family member of the scientist;**
- b) For **the graduate of a Polish higher education** institution seeking employment on the territory of the Republic of Poland or planning to start a business on that territory, or

c) For the foreigner who immediately before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research, **completed research or development work**, and is looking for work in the Republic of Poland or plans to start business activity on this territory,

- **are not withdrawn** due to reasons mentioned in section 5-7.

Temporary residence permit for the **victim of human trafficking cannot be withdrawn due to the reasons**, mentioned in section 3 and 6-8.

Temporary residence permit for the **holder of the long-term resident's EU residence permit granted by other Member State of the European Union or temporary residence permit for the member of his/her family** cannot be withdrawn due to the reasons, mentioned in section 8.

Temporary residence permit granted to the foreigner:

a) due to the **circumstances requiring short-term residence**,

b) holding rights to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal EC L 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1);

c) if his/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for **the right to family life, as defined by the Convention on protection of human rights** and fundamental freedoms, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally** or

d) if his/her exit from the territory of the Republic of Poland breaches **the right of the child, defined in the Convention of the Right of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally**.

- **cannot be withdrawn due to the reasons, mentioned in section 2, 3 and 6-8.**

**Permanent residence permit is granted to the foreigner who:**

- 1) Is a **child of the foreigner** who has granted permanent residence permit or long-term resident's EU residence permit who is under parental responsibility:
  - (a) Is born after granting permanent residence permit or long-term resident's EU residence permit to this foreigner, or
  - b) Is born throughout the term of validity of temporary residence permit granted to the foreigner within the residence of this foreigner on the territory of the Republic of Poland on the basis of residence permit for humanitarian reasons or permit for tolerated stay or in connection with granting a refugee status or granting subsidiary protection, or
- 2) Is a **child of a Polish citizen** who is under parental responsibility, or
- 3) Is a **person having Polish origin** and intends to settle on the territory of the Republic of Poland or
- 4) Remains in **marriage** to Polish citizen, recognized by the law of the Republic of Poland and remained in this marriage for at least **3 years** before the date on which the application for granting permanent residence permit was submitted and immediately before submission of this application stayed on the territory of the Republic of Poland within the period not shorter than **2 years**, on the basis of temporary residence permit granted in connection with being married to the Polish citizen or as a result of obtaining a refugee status, supplementing protection or permit for residence for humanitarian reasons, or
- 5) Is a **victim of human trafficking** as defined by the Article 115 § 22 of the Penal Code and:
  - (a) Stayed on the territory of the Republic of Poland directly prior to submission of the application for granting permanent residence permit for the period not shorter than 1 year on the basis of temporary residence permit for victims of human trafficking,
  - b) Cooperated with prosecution agencies in the criminal proceedings in the case concerning crime, mentioned in the Article 189a § 1 of the Penal Code,
  - c) Has reasonable concerns before the return to the country of origin, or
- 6) Directly prior to the submission of the application for granting permanent residence permit stayed on the territory of the Republic of Poland within **the period not shorter than 5 years** in connection with granting a **refugee status**, granting **subsidiary protection** or on the basis of **permit for residence for humanitarian reasons**, or
- 7) Directly prior to the submission of the application for granting permanent residence permit stayed on the territory of the Republic of Poland within the period not shorter than **10 years** on the basis of **permit for tolerated stay** granted on the basis of Article 351(1) or (3) of the Act on foreigners, or
- 8) Was granted **asylum** on the territory of the Republic of Poland, or
- 9) Holds **valid Pole's Card** and intends to settle on the territory of the Republic of Poland.

In order to **determine Polish origin** of the person, the provisions of Article 5(1) and accordingly regulations of Article 6(1) and (2) of the Act of 9 November 2000 on repatriation (uniform text O. J. of 2018 item 609).

In the proceedings on granting permanent residence permit for the foreigner being a spouse of Polish citizen, the authority which conducts proceedings **determines whether the marriage was concluded or exists in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit.**

In order to determine whether the marriage was concluded or exists in order to bypass the above mentioned principles and conditions, the authority which conducts this proceedings **submits the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner **to conduct control activities**, mentioned in Article 11(1) of the Act on foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

## 5.1 AUTHORITY ISSUING THE PERMIT

The decision on granting permanent residence permit is issued **by the voivode** competent with regard to the place of residence of the foreigner. The application for granting permanent residence permit is submitted on the form.

## 5.2 UNINTERRUPTED STAY REQUIREMENT - JUSTIFIED BREAKS IN STAY

Stay on the territory of the Republic of Poland is deemed to be **continuous**, if none of interruptions last **longer than 6 months** and **all interruptions do not exceed together 10 months**, unless the interruption is caused by:

- 1) Performance of professional duties or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland or
- 2) The foreigner is accompanied, mentioned in section 1, by his/her/hers spouse or the minor or
- 3) Particular personal situation requiring presence of the foreigner outside the territory of the Republic of Poland and lasted not longer than 6 months or
- 4) Trip outside the territory of the Republic of Poland to undertake internships or participate in classes planned in the course of the studies at Polish university.

## 5.3 DOCUMENTS

A foreigner is obliged to:

- present important **travel document**. In particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document, may present **different document confirming his/her identity**.
- submit a **completed application form** and attach to the application:
  - **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.

The photographs should show the person without any headgear or dark glasses.

A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.

A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.

In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.

**Note – lack of any of the above mentioned documents constitutes formal lack in the application which, in the case of failure to supplement, after calling by the voivode who conducts the case, results in leaving the application without consideration**

- documents necessary to confirm the data contained in the application and circumstances justifying the application for granting permanent residence permit;
- **confirmation of** payment of stamp duty;

#### 5.4 ADDITIONAL REQUIREMENTS CONCERNING THE APPLICATION

The foreigner should submit the application for granting permanent residence permit **in person**, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland.

If the application for granting the permit is not submitted by the foreigner in person (e.g. was sent by post), **the voivode is able to call him/her to appear personally**, within not less than 7 days under pain of leaving the application without examination.

In the case of a foreigner who is:

- 1) **Minor** – the application for granting permanent residence permit is submitted by the parents or appointed court guardians or one of the parents or one of appointed court guardians;
- 2) **Person who is completely placed under guardianship** – the application for granting permanent residence permit is submitted by the guardian appointed by the court;
- 3) **Unattended minor** – the application for granting permanent residence permit is submitted by the probation officer.

When submitting the application for granting the permit for the foreigner being minor who **until the day of submission of the application is over 6 years old his/her presence is required**.

The requirement to submit the application for granting permanent residence permit, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland shall not apply to the minor born on the territory of the Republic of Poland who was granted permanent residence permit or long-term resident's EU residence permit and towards for the child of Polish citizen who remains under parental responsibility of this citizen.

When **submitting the application** for granting permanent residence permit, the foreigner is to give **fingerprints in order to issue residence card**. In the event if, for reasons depending on the voivode **it is not possible to collect fingerprints** from the foreigner on the day when his/her personal appearance took place, the voivode appoints the term for their collection, **not shorter than 7 days**.

This obligation **does not apply to foreigners:**

- **who on the day of submitting the application are not over 6 years old, or**
- **from whom the collection of fingerprints is physically impossible.**

**If the foreigner fails to give fingerprints in order to issue residence card, when submitting the application for granting permanent residence permit or within the time fixed by the voivode, the initiation of proceedings for granting this permit is refused.**

Data in the form of fingerprints collected in order to issue residence card **are kept in the relevant register until entering into this register the confirmations of receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to grant permanent residence permit or decision on refusal to issue or replace residence card, data in the form of fingerprints are kept in the above mentioned register, **until entering information on issuance of these decisions in the register**, if these decisions are final and binding.

If the foreigner submitted the application during residence on the territory of the Republic of Poland, consistent with the law, and the application does not include formal shortages or formal shortages were supplemented within the time, the voivode **stamps** the foreigner's travel document confirming submission of the application for granting permanent residence permit. If the term to submit the application is met and the application does not include formal shortages or formal shortages were supplemented on time **the residence of the foreigner is deemed to be legal from the date of submitting the application until the date when the decision in this case becomes final.**

If **the proceedings** on granting permanent residence permit is **suspended at the request of the foreigner** his/her **residence** at that time is **not** considered to be **legal**.

**NOTE: Placement of the stamp in the travel document does not entitle the foreigner to travel through the territory of other countries of Schengen area, while the foreigner may travel to the country of origin.**

## 5.5 OTHER IMPORTANT INFORMATION

In the proceedings for granting or withdrawing permanent residence permit **the foreigner is the party to the proceedings.**

Proceedings on granting permanent residence permit to the foreigner ends not later than within **3 months** from the date of its initiation and appeal proceedings – within **2 months** from the date of receipt of the appeal.

## 5.6 LEAVING THE APPLICATION WITHOUT CONSIDERATION

**The application for granting permanent residence permit is left without consideration, if the application:**

- **Contains formal shortages which were not completed by the foreigner despite the calls to do this within not less than 7 days, for which shall be deemed, for instance:**
  - failure to submit the application on the appropriate form;
  - failure to fill in all required columns in the application form;

- failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
- failure to apply 4 current and relevant photographs;
- The application **was not submitted by the foreigner in person**, if it was required by the regulations and despite the calls to show up in person within not less than 7 days, the foreigner failed to show in the office.

## 5.7 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING PERMANENT RESIDENCY PERMIT

**Initiation of the proceedings to grant permanent residence permit is refused**, if on the day of submitting the application for granting this permit the foreigner:

- 1) Stays on the territory of the Republic of Poland:
  - a) illegally, or
  - b) on the basis of Schengen visa authorizing only to entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive for humanitarian reasons, state interest or international liabilities, or
  - c) on the basis of temporary residence permit owing to the circumstances requiring short-term residence, or
  - d) on the basis of long-term resident's EU residence permit, or
- 2) Is detained, placed in guarded centre or jail for foreigners or preventive measure are used against him/her in the form of a ban on leaving the country, or
- 3) Is imprisoned or is under temporary arrest, or
- 4) Stays on the territory of the Republic of Poland after he/she was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period, or
- 5) Is obliged to leave the territory of the Republic of Poland in the event of discontinuation of the proceedings for granting a residence permit refusal or withdrawal of a residence permit or in the event of refusal to grant or withdrawal of international protection or discontinuance of the proceedings, or
- 6) Stays outside of the Republic of Poland.

Apart from the above mentioned cases, the initiation of the proceedings for granting permanent residence permit is withdrawn from the foreigner when during the submission of the application for granting this permit or in additional term indicated by the voivode, **failed to give fingerprints in order to issue the residence card**.

Sections 1-5 shall not apply to the foreigner who is granted asylum in the Republic of Poland.

Section 1 (a) shall not apply to the minor of the foreigner born on the territory of the Republic of Poland who was granted permanent residence permit or long-term resident's residence of the European Union and to child of Polish citizen who is under parental responsibility of this citizen.

Section 1 (c) shall not apply to the foreigners of Polish origin and to those who intend to settle on the territory of the Republic of Poland.



## 5.8 REFUSAL TO GRANT PERMAMENT RESIDENCE PERMIT

### **The foreigner is refused permanent residence permit, if:**

- 1) Fails to meet requirements for granting permanent residence permit or
- 2) The entry of his/her data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired is in force or
- 3) His/her data can be found in Schengen Information System to refuse the entry or
- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or
- 5) It is required by interest of the Republic of Poland or
- 6) The basis to apply for the permit is entering by him/her in marriage with the citizen of Poland and marriage was concluded or exists in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and leave or
- 7) In the proceedings for granting such permit, the foreigner:
  - a) Submitted the application for granting the permit containing untrue personal data or false information or attached documents containing such data or information, or
  - b) He/she testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or
- 8) He/she is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or
- 9) He/she failed to pay costs related to issuance and execution of the decision on the obligation of the foreigner to return which, were covered from the state budget.

If the foreigner's data can be found in **Schengen Information System to refuse the entry**, permanent residence permit may be granted, subject to the state's interest, which made the entry to the Schengen Information System, if **there occurred serious causes** justifying granting such permit, in particular humanitarian considerations or resulting from international obligations.

Granting permanent residence permit to the foreigner of Polish origin who intends to settle on the territory of the Republic of Poland is refused in the case, mentioned in sections 1, 4 or 7.

## 5.9 WITHDRAWAL OF THE PERMAMENT RESIDENCE PERMIT

### **Permanent residence permit is withdrawn from the foreigner, if:**

- 1) It is required by considerations of defence or safety of the state or protection of safety and public order or
- 2) It is required by interest of the Republic of Poland or
- 3) In the proceedings for granting such permit, the foreigner:
  - a) Submitted the application for granting the permit containing untrue personal data or false information or attached documents containing such data or information, or

4) He/she was sentenced by final court decision in the Republic of Poland for a wilful offence to at least 3 years of imprisonment or

5) He/she left the territory of the Republic of Poland for the period exceeding 6 years.

Permanent residence permit granted to the foreigner of Polish origin who intends to settle on the territory of the Republic of Poland is withdrawn in the cases, mentioned in section 1, 3 or 5;

Permanent residence permit granted to the foreigner who is granted asylum shall be withdrawn if the foreigner is deprived of asylum in the Republic of Poland.

Permanent residence permit which was granted on the basis of marriage with Polish citizen, **may be withdrawn**, if the foreigner **divorced within 2 years from the day he/she was granted permanent residence permit**.

#### 5.10 PERIOD FOR WHICH PERMAMENT RESIDENCY PERMIT IS GRANTED

Permanent residence permit is granted for **indefinite time**.

The document which confirm the obtaining of permanent residence permit is **residence card issued for 10 years**.

Permanent residence permit shall expire by the law, if the foreigner obtains long-term resident's EU residence permit or Polish citizenship.

Long-term resident's EU residence permit is granted to the foreigner, if he/she stays on the territory of the Republic of Poland **legally and continuously for at least 5 years**, directly before submitting the application and meets the following conditions:

- 1) Has the **source of stable and regular source of income** which is adequate to cover the subsistence costs for himself and dependent family members;
- 2) Holds **health insurance**, as defined by the provisions of Act of 27 August 2004 on health care services financed from the public funds or confirmation of insurer's coverage of medical treatment costs on the territory of the Republic of Poland;
- 3) Has confirmed **command of Polish**.

When examining whether the foreigner meets the requirement, mentioned in section 1, the authority will assess the foreigner's income in the last 3 years prior to submission of the application and in the case of foreigners who have temporary residence permit to residence in order to perform work requiring high qualifications – last 2 years of residence in Poland, if previously permanently resided in other EU member on the basis of the "Blue EU Card", issued in connection with granting residence permit in order to perform work requiring high qualifications. Blue EU Card – last 2 years of residence in Poland.

Command of Polish language is confirmed by one of the following documents:

- 1) Official certificate of the command of Polish language, mentioned in Article 11a of the Act of 7 October 1999 on Polish language (Journal of Laws of 2018, item 931 and 1669), at the level of language proficiency of at least B1;
- 2) Certificate of completion school in the Republic of Poland as defined by Article 2(2) of the Act of 14 December 2016 - educational law (Journal of Laws of 2018, item 996, 1000, 1290 and 1669) or university as provided for in the Act of 20 July 2018 - Law on higher education and science (Journal of Laws of 2018, item 1668, as amended) with Polish as language of instruction;
- 3) School-leaving certificate or university diploma with Polish as language of instruction abroad, equivalent to school or university as defined Article 2(2) of the Act of 14 December 2016 - educational law or Article 2(1)(1) of the Act of 20 July 2018 - Law on higher education and science, respectively.

The requirement of the command of Polish language shall not apply to minor foreigner's child who until the submission of the application for granting long-term resident's EU residence permit resident is not over 16 years of age.

### 6.1 AUTHORITY ISSUING THE DECISION

The decision on granting long-term resident's EU residence permit is issued by **the voivode** competent with regard to the place of the foreigner's current stay. The application for granting long-term resident's EU residence permit is submitted on the form.

### 6.2 DOCUMENTS

A foreigner is obliged to:

- present important **travel document**. In particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document, may present other document confirming his/her identity.

- submit a **completed application form** and attach to the application:
  - **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.  
The photographs should show the person without any headgear or dark glasses.  
A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.  
A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.  
In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.
  - **legal title to occupy housing premise** in which the foreigner stays or intends to stay. **The legal title** to occupy the housing premise in which the foreigner stays or intends to stay, **shall not be regarded as the contract of lending for use**, unless the party lending the property for use is the foreigner's descendant, ancestor, spouse, spouse's parents or his/her or her brother or sister.

**Note – lack of any of the above mentioned documents constitutes formal lack in the application which, in the case of failure to supplement, after calling by the voivode conducting the case, results in leaving the application without examination**

- **documents necessary to confirm data contained in the application** and circumstances justifying the application for granting long-term resident's EU residence permit;
- documents confirming **health insurance** as defined by the provisions of the Act of 27 August 2004 on health care services financed from the public funds or confirmation of insurer's coverage of medical treatment costs on the territory of the Republic of Poland,
- **documents confirming stable and regular source of income which is adequate to cover the subsistence costs for himself and dependent family members.** The amount of monthly income should be greater than the amount of income entitling cash benefits from Social Security, mentioned in the Act of 12 March 2004 on social assistance (consolidated text, Journal of Laws of 2017, item 1769 as amended) with respect to the foreigner and each family member dependent on him/her (for a person who keeps a single household – in the amount higher than PLN 634, for the person in the family – in the amount higher than PLN 514),
- documents confirming **command of Polish language**,
- **confirmation of payment** stamp duty.

### 6.3 ADDITIONAL REQUIREMENTS RELATED TO APPLICATION

The foreigner should submit the application for granting long-term resident's EU residence permit **in person**, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland. If the application for granting the permit is not submitted by the foreigner in person, **the voivode calls him/her to appear personally**, within not less than 7 days under pain of leaving the application without examination.

In the case of a foreigner who is:

- 1) **minor** – the application for granting the permit is submitted by the parents or appointed court guardians or one of the parents or one of appointed court guardians;
- 2) **person who is completely placed under guardianship** – the application for granting the permit is submitted by the guardian appointed by the court;
- 3) **unattended minor** – the application for granting the permit is submitted by the probation officer.

When submitting the application for granting the permit for the foreigner being minor who **until them day of submission of the application is over 6 years old his/her presence is required**.

**When submitting the application for granting long-term resident's EU residence permit the foreigner is to give fingerprints in order to issue residence card.** In the case when, for reasons depending on the voivode **it is not possible to collect fingerprints** from the foreigner on the day, where his/her personal appearance took place, the voivode appoints the term for their submission, **not shorter than 7 days**.

This obligation **does not apply to foreigners**:

- **who on the day of submitting the application are not over 6 years or**
- **from whom the collection of fingerprints is physically impossible.**

**If the foreigner fails to give fingerprints in order to issue residence card, when submitting the application for granting long-term resident's EU residence permit or within the time fixed by the voivode, the initiation of the proceedings for granting this permit is refused.**

Data in the form of fingerprints collected in order to issue residence card **are kept in the relevant register until entering into this register the confirmations of receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to grant long-term resident's EU residence permit or decision on refusal to issue or replace residence card, data in the form of fingerprints are kept in the above mentioned register, **until entering information on issuance of these decisions in the register**, if these decisions are final and binding.

If the foreigner submitted the application during residence on the territory of the Republic of Poland, consistent with the law and the application does not include formal shortages or formal shortages were supplemented within the time, the voivode **stamps** the foreigner's travel document confirming submission of the application for granting long-term resident's EU residence permit. If the term to submit the application is met and the application does not include formal shortages or formal shortages were supplemented within the time **the residence of the foreigner shall be deemed to be legal from the date of submitting the application until the date when the decision in this case becomes final.**

If **the proceedings** on granting long-term resident's EU residence permit is **suspended at the request of the foreigner**, his/her **residence** at that time **is not** recognized to be **legal**.

**NOTE: Placement of the stamp in the travel document does not entitle the foreigner to travel through the territory of other countries of Schengen area, while the foreigner may travel to the country of origin.**

#### 6.4 OTHER IMPORTANT INFORMATION

In the proceedings on granting or withdrawing long-term resident's EU residence permit, **the foreigner is the sole party to the proceedings.**

Proceedings on granting permanent residence permit to the foreigner ends not later than within **3 months** from the date of its initiation and appeal proceedings – within **2 months** from the date of receipt of the appeal.

#### 6.5 LEAVING THE APPLICATION WITHOUT CONSIDERATION

**The application for granting long-term resident's EU residence permit is left without consideration, if the application:**

- **Contains formal shortages which were not completed by the foreigner despite the calls to do this within not less than 7 days, for which shall be deemed, for instance:**
  - the application is not submitted on the appropriate form;
  - failure to fill in all required columns in the application form;
  - failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
  - failure to attach to the application:
    - a. 4 up-to-date and relevant photographs;
    - b. legal title to the occupied housing premise.
- 2. The application is not submitted by the foreigner in person despite the call to show up in person within 7 days, the foreigner failed to show in the office.

#### 6.6 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING RESIDENCE PERMIT TO LONG-TERM EU RESIDENT

Initiation of the proceedings on granting long-term resident's EU residence permit is refused, if on the day of submitting the application for granting this permit, the foreigner:

1) Stays on the territory of the Republic of Poland:

a) illegally, or

b) on the basis of Schengen visa authorizing only the entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive due to humanitarian reasons, state's interest or international liabilities or

c) to study or complete vocational training or

d) in connection with the intention to undertake or continue education on the territory of the Republic of Poland, or

- e) in connection with obtaining residence permit for humanitarian reasons, permit for tolerated stay, asylum or temporary protection, or
  - f) in connection with applying for granting international protection or asylum, or
  - g) on the basis of temporary residence permit to perform work under the transfer within the enterprise or temporary residence permit in order to use long-term mobility of managerial staff, specialist or internship employee as part of an intra-corporate transfer or temporary residence permit owing to the circumstances requiring short-term residence, or
  - h) on the basis of permit for crossing border under little cross-border traffic, or
- 2) Is the employee delegated by the service provider in order to cross-border provision of services or service provider performing cross-border services, or
  - 3) Is detained, placed in guarded centre for foreigners or is under against him/her used preventive measure in the form of ban to leave the country, or
  - 4) Is imprisoned or is under temporary arrest, or
  - 5) Stays on the territory of the Republic of Poland after he/she was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period or
  - 6) Is obliged to leave the territory of the Republic of Poland for instance, in the case to refuse to grant or withdraw the residence permit or in the case of refusal to grant or withdraw the international protection or
  - 7) Stays outside the borders of the Republic of Poland.

Apart from the above mentioned cases, the initiation of the proceedings for granting long-term resident's EU residence permit is refused, if when submitting the application for granting this permit or in additional term indicated by the voivode, the foreigner **failed to submit fingerprints in order to issue the residence card**.

## 6.7 REQUIREMENT FOR A 5-YEAR LEGAL AND UNINTERRUPTED STAY

5-year residence on the territory of the Republic of Poland **includes**:

- 1) Total period of legal residence on the territory of the European Union, if the foreigner stayed legally and continuously on this territory for at least 5 years, on the basis of residence document, issued by the Member State of the European Union, with "Blue EU Card" annotation, including on the territory of the Republic of Poland - for at least 2 years directly prior to submission of the application for granting long-term resident's EU residence permit on the basis of temporary residence permit in order to perform work requiring high qualifications;
- 2) The whole period of residence on the territory of the Republic of Poland in the course of proceedings for granting a refugee status, if exceeded 18 months;
- 3) Half of the period of residence on the territory of the Republic of Poland – in the case of a foreigner residing on the territory of the Republic of Poland:
  - a) on the basis of a visa issued in order to study or complete vocational training or
  - b) on the basis of temporary residence permit in order to study or complete vocational training or
  - c) in the course of proceedings for granting a refugee status.

5-year residence on the territory of the Republic of Poland **does not include** residence of the foreigner:

- 1) Being a worker delegated by the service provider in order to cross-border provision of services or being the service provider performing cross-border services;
- 2) Residing on the territory of the Republic of Poland on the basis of Schengen visa authorizing only to entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive for humanitarian reasons, state's interest or international liabilities, or
- 3) During the period of his/her education on the territory of the Republic of Poland;
- 4) Who was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period;
- 5) Who is obliged to leave the territory of the Republic of Poland for instance, in the case of refuse to grant or withdraw the residence permit or in the case of refuse to grant or withdraw the international protection, or
- 6) Who is a member of diplomatic mission or consular office of another state or other equivalent person on the basis of acts, international agreements or commonly agreed international customs;
- 7) On the basis of temporary residence permit to perform work under the transfer within the enterprise of managerial staff, specialist or internship employee as part of an intra-corporate transfer or temporary residence permit in order to use long-term mobility or temporary residence permit owing to the circumstances requiring short-term residence;
- 8) In the course of proceedings concerning granting international protection, in this proceeding ended in refuse to grant a refugee status or subsidiary protection;
- 9) On the basis of permit for crossing border under little cross-border traffic.

#### 6.8 UNINTERRUPTED STAY REQUIREMENT - JUSTIFIED INTERRUPTIONS IN STAY

The residence of the foreigner constituting the basis for granting long-term resident's EU residence permit is deemed **uninterrupted**, if none of interruptions last:

- 1) Not longer than **6 months** and all interruptions do not exceed together **10 months** in the case of the residence on the territory of the Republic of Poland;
- 2) Not longer than **12 months** and all interruptions do not exceed together **18 months** in the case of the residence of the foreigner on the territory of a Member State of the European Union holding temporary residence permit in order to perform work requiring high qualifications.

The above mentioned regulations to the extent to which stipulate maximum permissible periods of interruptions in the residence of the foreigner on the territory of the Republic of Poland **shall not be applied**, if the interruption was caused by:

- 1) **Performance of professional duties** or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland, or
- 2) The foreigner is accompanied, mentioned in section 1, by his/her **spouse or minor**, or
- 3) **Particular personal situation** requiring the presence of the foreigner outside the territory of the Republic of Poland and lasted not longer than **6 months** or
- 4) Trip outside the territory of the Republic of Poland in order to **undertake internships** or **participate in classes**, planned in the course of the studies at Polish university.

#### 6.9 REFUSAL TO GRANT RESIDENCE PERMIT TO LONG-TERM EU RESIDENT



### The foreigner is refused long-term resident's EU residence permit, if the foreigner:

1. Fails to meet the requirements to grant the concerned permit;
2. It is required by **reasons of defence or safety** of the state or protection of safety and public order.

### 6.10 WITHDRAWAL OF RESIDENCE PERMIT GRANTED TO LONG-TERM EU RESIDENT

#### Long-term resident's EU residence permit is withdrawn from the foreigner, if:

1. **Obtaining** long-term resident's EU residence permit **took place in a manner inconsistent with the law** ;
2. He/she represents actual and serious **hazard** to defence or safety of the state or safety and public order;
3. **He/she left the territory of the Republic of Poland** for the period exceeding **6 years**;
4. **He/she left the territory of the European Union** for consecutive periods of:
  - a. **12 months** or
  - b. **24 months**, if he/she has temporary residence permit in order to perform work in profession requiring high qualifications or is a member of the family of the foreigner who had such permit;
5. **Obtained, on the territory of other member-state of the European Union long-term resident's EU residence permit**;
6. Was **deprived of a refugee status or subsidiary protection**, if long-term resident's EU residence permit was granted in connection with the residence on this territory on the basis of a refugee status or subsidiary protection.

In the proceedings on withdrawing long-term resident's EU residence permit from the foreigner due to the threat to defence or safety of the state or safety and public order, the following is considered:

- 1) The period of the foreigner's residence on the territory of the Republic of Poland;
- 2) The foreigner's age;
- 3) The foreigner's relations with the Republic of Poland or lack of relations with the state of origin;
- 4) Effects of withdrawal of the permit for the foreigner and his/her family.

### 6.11 PERIOD FOR WHICH RESIDENCE PERMIT IS GRANTED TO THE LONG-TERM EU RESIDENT

Long-term resident's EU residence permit is granted for **indefinite period**.

The document which confirms obtaining long-term resident's EU residence permit is **residence card issued for 5 years**.

On the day when the foreigner obtains long-term resident's EU residence permit, permanent residence permit shall expire by law.

Long-term resident's EU residence permit shall expire by virtue of law when the foreigner obtains Polish citizenship.



## 7.1 GENERAL INFORMATION

**The foreigner who obtained:**

- **temporary residence permit**
  - **permanent residence permit**
  - **long-term resident's EU residence permit**
- residence card is issued.**

Residence card, within its validity period, confirms the foreigner's identity when he/she is present on the territory of the Republic of Poland and entitles, along with travel document, to multiple cross the border of Poland without the need to obtain a visa.

In the case of lack of **the registration** for temporary residence lasting more than 2 months, the residence card will lack data on the address.

The voivode **collects fingerprints** from the foreigner submitting the application for:

- 1) Issuing the first or subsequent residence card, or
- 2) Replacement of residence card.

In the case when, for reasons depending on the voivode, it is not possible to collect fingerprints from the foreigner on the day when his/her personal appearance took place, the authority appoints the term for their submission, not shorter than 7 days.

If during the submission of the application for issuing or replacing residence card or in additional time indicated by the voivode, the foreigner **failed to submit fingerprints** in order to issue or replace residence card **the initiation of the proceedings** on issuing the residence card or its replacing shall be withdrawn.

**Fingerprints are collected only to place them in the residence card.**

Data in the form of fingerprints collected in order to issue the residence card **are kept in relevant registers until entering them to registers confirming the receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to issue or replace the residence card, data in the form of fingerprints are kept in the above mentioned registers, **until entering information on issuance of these decisions to the registers**, if these decisions became final and binding.

The foreigner is obliged to collect **in person** the residence card and in the case of the minor child who is not over 13 years to the day of receipt of the residence card – statutory representative or probation officer collects the residence card. The foreigner who collects the residence card is provided with electronic reader to check whether his/her personal data placed in the card are consistent with the actual state.

In the case when **the residence card** was issued to an unauthorized person, the authority issuing this document **states, by way of decision, its invalidity.**

The residence card is subject to **cancellation** on the terms provided in Article 250 and 251 of the Act on foreigners, e.g. in the case if the **foreigner obtains Polish citizenship** – as of the end of the term to

return the card, its **loss or damage** – as of the date of notification on the loss or damage to the competent authority or **if the foreigner fails to return the card** when the decision on observing invalidity of the residence card, decision on withdrawal of the residence permit was issued in connection with which the card was issued or in the case of expiration by the law of the decision on granting the residence permit – as of the day when this decision became final, binding or expires.

## 7.2 ISSUANCE OF RESIDENCE CARD

The residence card is issued by the voivode who granted temporary residence permit for the foreigner, permanent residence permit or long-term resident's EU residence permit.

The residence card is granted ex officio in the case of granting temporary residence permit, except for:

- 1) **Temporary residence permit in order to join the family**, if the foreigner, on the day of submitting the application for granting this permit stayed **outside the borders of the Republic of Poland** (see section 4.6.10, section I), or
- 2) Temporary residence permit in order to **perform work under transfer within the enterprise** or temporary residence permit in order to **use long-term mobility** of managerial staff specialist or internship employee as part of an intra-corporate transfer (see section 4.6.3 or section 4.6.4).

Upon granting the above mentioned permits, the residence card is issued at the request of the foreigner who was provided with permits.

The first residence card in the case of granting permanent residence permit or long-term resident's EU residence permit is issued ex-officio. The exception is the residence card issued at the request of the foreigner who is a member of the closest family of the repatriated, to whom the Head of the Office for Foreigners granted permanent residence permit. Subsequent residence cards in the case of granting permanent residence permit or long-term resident's EU residence permit are issued at the request of the foreigner.

The application for issuing **subsequent residence card issued in connection with granting permanent residence permit or long-term resident's EU residence permit** should be submitted at least **30 days** before the end of the validity period of the residence card. The residence card shall be issued by the voivode competent with regard to the foreigner's place of residence.

**For the issuance or replacement of the residence card is collected a fee in the amount of PLN 50.**

**Fee should be paid to the bank account of the competent voivode before the issuance of the residence card.**

**The application** for issuing the card is submitted on the form. The foreigner applying for issuing of the residence card is obliged to **present a valid travel document and attach to application:**

- 1) **2 up-to-date photographs**, made in relevant format;
- 2) **Documents necessary to confirm data** and circumstances specified in the application.

In particularly justified case, if the foreigner applying for issuing the residence card does not have and it is not possible to obtain such valid travel document may present **different document confirming his/her identity**.

**Fees shall not be collected, if:**

- issued or replaced document contained technical defects,
- the issuance of the first residence card to the foreigner who was not provided with permanent residence permit in the Republic of Poland as a member of the closest family of the repatriated,

- in the case of replacement of the residence card due to acquisition by the Republic of Poland responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit with: "international protection granted by.." annotation or due to acquisition by other Member State of the European Union responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit.

**Discount in fee** for issuing or replacing residence card is 50% and shall be entitled to foreigners:

- 1) Who are in difficult financial situation;
- 2) Whose purpose of residence is to undertake education at the secondary school and university on the territory of the Republic of Poland;
- 3) Minors who on the day of submitting the application for issuing or replacing the residence card or – in the case of issuing the first residence card – until submission of the application for granting temporary residence permit, permanent residence permit or long-term resident's EU residence permit, are not over 16 years of age.

In the case of **wilful loss or destruction**, fee for replacement of the residence card shall be increased to **300%**. Detailed regulations in this respect are determined by the executive regulation to the Act on foreigners.

### 7.3 REPLACEMENT OF THE RESIDENCE CARD

The application for replacement of the residence card **should be submitted within 14 days** after the occurrence of premises for its replacement.

The foreigner is obliged to replace the residence card in the case of:

- 1) Change in data placed in the previous residence card;
- 2) Change in the face image of the residence card holder in relation to the face image placed in this card to the extent hindering or preventing identification of the card holder;
- 3) Its loss;
- 4) Its damage;
- 5) Acquisition by the Republic of Poland the responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit with: "international protection granted by..." annotation
- 6) Acquisition by other Member State of the European Union responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit.

### 7.4 AUTHORITY REPLACING THE RESIDENCE CARD

Replacement of the residence card shall be made by the voivode competent with regard to the foreigner's place of residence. For the replacement of the residence card is collected a fee in the amount of **PLN 50**. Fee should be **pay when submitting application** to the bank account of the competent voivode.

**The application for replacement of the card is submitted on the form.** The foreigner applying for the replacement of the residence card is obliged to **present a valid travel document and attach to the application:**

- 1) **2 up-to-date photographs** of the person covered by the application, **made in a suitable format**;
- 2) **Documents necessary to confirm data** and circumstances specified in the application.

In particularly justified case, if the foreigner applying for the replacement of the residence card does not have and it is not possible to obtain such valid travel document may present **different document confirming his/her identity**.

#### 7.5 LOOSING OR DAMAGING THE RESIDENCE CARD

**In the case of loss or damage** to the residence card, the foreigner is obliged to notify this fact to the voivode who issued the card, within 3 days from its loss or damage.

Notifications are made on specially designed **form**.

The voivode is obliged to issue to the foreigner **free certificate** confirming this fact, **which is valid for the period of 2 months**.

In the case of **recovery** lost residence card, the foreigner is obliged, within 3 days from its **recovery**, to notify the voivode **who issued the card** and promptly return the above mentioned card to the authority, if the new residence card was issued in place of the old.

#### 7.6 RETURN OF THE RESIDENCE CARD

The foreigner is **obliged to return the residence card** to the authority who issued the card, if:

1. He/she has Polish citizenship;
2. Decision on invalidity of this document was issued;
3. Decision on withdrawal granting permanent residence permit or long-term resident's EU residence permit was issued;
4. Decision on withdrawal granting temporary residence permit was issued;
5. Decision on withdrawal granting residence permit for humanitarian reasons was issued;
6. Issued decision on granting temporary residence permit has expired by the law;
7. Issued decision on granting permanent residence permit has expired by the law;
8. Issued decision on granting residence permit for humanitarian reasons has expired by the law.

The residence card should be returned **immediately**, however, not later than within **14 days** from the date when:

1. The foreigner received a document confirming Polish citizenship or
2. Decision, mentioned in section 2-8, became final, binding or expires.

The authority who received lost residence card shall issue, **at the foreigner's request**, **free certificate on returning the residence card** valid for the period **of 30 days**.

#### 7.7 TRAVELLING ON THE BASIS OF THE RESIDENCE CARD

The foreigner may travel and be present on the territory of other countries of Schengen area for the period not exceeding 90 days within each 180 day period, if he/she has a valid **residence card** and:

- has a valid travel document authorizing him/her to cross the border, valid for at least three months after the intended date of departure from the Schengen area (in justified and urgent cases, this criterion may be ignored) and issued within the period of the last 10 years,
- can justify the purpose and conditions of the intended stay and
- has sufficient resources or and the ability to obtain them legally, and
- is not considered a threat to public order, internal security, public health or international relations of any of the Member States, in particular, he/she has not been entered on this basis to national databases of the Member States for the purposes of refusing entry.

Furthermore, the foreigner's data should not appear on the national list of alerts for refusal of entry of a Member State.

The states of the Schengen area are: Austria, Belgium, Denmark, Finland, France, Greece, Spain, Luxembourg, Netherlands, Germany, Portugal, Sweden, Italy, Estonia, Lithuania, Latvia, Malta Poland, Czech Republic, Slovakia, Slovenia, Hungary as well as Liechtenstein, Switzerland, Norway and Iceland (last 4 countries are countries of Schengen area, not being part of EU).

**It should be emphasized that: UK, Ireland, Cyprus, Bulgaria, Romania and Croatia are Member States of the EU, which do not belong to Schengen area.**

The Party **who is not satisfied with the decision** of the competent voivode, issued for: temporary residence permit/permanent residence permit/long-term resident's EU residence permit/changes or reversing mentioned permits/extension of a visa/issuance or replacement of the residence card, has the right to apply, within **14 days from the date of delivery of the decision, with appeal** to the **Head of the Office for Foreigners**.

**An appeal may be filed to the Head of the Office for Foreigners via the voivode who issued the decision.** The person submitting the appeal shall be obliged to submit **own signature**.

During the term to submit the appeal, the Party **may waive the right to file the appeal** towards public administration authority which issued the decision. As of delivery to the public administration authority the statement on waiver the right to file the appeal by the last of the Parties to the proceedings, the decision becomes final and binding. Final decisions are decisions, from which it is not possible to file an appeal in administrative course of instances or the application for reconsideration of the case. Revoking or amendment of such decisions, declare of their invalidity and resuming the proceedings may occur only in the cases stipulated in the Code of Administrative Proceedings or special Acts. Binding decision is a final decision which cannot be sued to the court.

The Party **who is not satisfied with the relevant ruling of the voivode on refusal to initiate the proceedings** has the right to submit **the compliant** within 7 days from the date of its delivery. **The complaint shall be filed to the Head of the Office for Foreigners via the voivode** who issued the decision. The person submitting the complaint is obliged to submit **own signature**.

Ways and instructions for suing issued decisions or provisions can also be found in instructions contained therein.

In the case of **leaving the application without consideration** the Party may file the reminder to the Head of the Office for Foreigners. Reminder is filed by the voivode who left the application without examination. It is a request so it should be signed by the submitting party and additionally should contain substantiation.

The **decision of the Head of the Office for Foreigners regarding the objection** cannot be appealed, and application for reconsideration of the case cannot be submitted.

**General Issues shall apply to the appeal proceedings (see chapter II).**

### 8.1 FAILURE TO MEET THE DEADLINE

In the case of violating the term to submit **the appeal against decisions on refusal to initiate the proceedings**, the foreigner **the within 7 days**, upon the date of ceasing the cause of violating the term may **apply with a request for to restore term**., The foreigner should **justify that violation of the time was caused without his/her fault. Along with a request it is necessary to file the appeal or complaint.**

### 8.2 GETTING ACCESS TO THE CASE FILE

In the case of willingness to familiarize with collected evidence, the Party or an attorney should , **by phone, contact** with the secretary's office of the Department of Primary Legalized Residence at the Office for Foreigners - **phone (22) 60 175 14**, in order to determine the exact term to apply to the Foreigners Service Point at the Office for Foreigners, **ul. Taborowa 33 in Warsaw**.

**Telephone information is provided on business days, apart from Wednesday, between 10.00 AM and 3.00 PM.**



### 8.3 METHODS OF SUBMISSION OF APPLICATIONS, DOCUMENTS, EXPLANATIONS, AND STATEMENTS

#### **SUBMITTED DOCUMENTS SHOULD:**

- **be originals or copies officially certified for consistency with the original document. Presenting original document, the foreigner may confirm the copy of the document compliant with the original document in the Office for Foreigners:** ul. Taborowa 33 02-699 Warsaw, between: 8.15 AM and 4.15 PM.
- translated to **Polish language** by Polish sworn translator.

#### **Documents (applications, explanations, statements) may be also submitted:**

- **through the postal operator to the following address:** ul. Taborowa 33 02-699 Warsaw
- **Directly in Document Office at the Office for Foreigners:** ul. Taborowa 33 02-699 Warsaw, between: 8.15 AM and 4.15 PM,
- **In electronic form** brought to the electronic delivery box of the Head of the Office referred to in art. 3, point 17 of the Act of February 17, 2005 on computerization of entities performing public tasks (Journal of Laws of 2017 item 570 of 2018, items 1000, 1544, and 1669, and 2019, item 60, and 534).

### 8.4 COMPLAINT

The Party may **challenge the decision of the Head of the Office for Foreigners to the Voivode Administrative Court in Warsaw**, within 30 days from the date of delivery of the decision. **The Party shall file the complaint via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party applies directly to the Voivode Administrative Court in Warsaw.**

**Filing the complaint to the Voivode Administrative Court in Warsaw against the final decision shall not legalize the residence of the foreigner on the territory of the Republic of Poland.**

**The authority is not entitled to challenge the decision of the Head of the Office for Foreigners on reversing the voivode's decisions and transfer the case for re-examination, it is only possible to file objection to the Voivode Administrative Court in Warsaw. The objection is to be filed within 14 days from the date of delivery of the decisions via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party files the objection against the decision directly to the Voivode Administrative Court in Warsaw.** The provisions on complaint shall apply to the objection against the decision, unless the Act states otherwise.

## Statement

I have received the notice in the ..... language...

In the case of applying for extension of the validity period of the issued visa or the period of residence covered by this visa, see the chapters: Chapters I, II III, VIII are handed over.

In the case of applying for a temporary residence permit Chapters I, II, IV, VII, VIII are handed over.

In the case of applying for a permanent residence permit, Chapters I, II, V, VII, VIII are handed over.

In the case of applying for long-term resident's EU residence permit, Chapters I, II, VI, VII, VIII are handed over.

.....  
(place, date)

.....  
signature of the applicant  
or legal representative

.....  
possibly signature of the translator

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