

**Information for the foreigner on the rules and the procedure and of his rights and obligations** in cases of extension of issued visa or length of stay covered by this visa, granting a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit, in accordance with Article 7(1) point 1 of the Act of 12 December 2013 on foreigners (Dz. U. of 30.12.2013, item 1650)

**Note:** In cases of applying for an extension of an issued visa or a period of stay covered by this visa, Chapters I, II, III, VIII are handed over.

In case of applying for a temporary residence permit, Chapters I, II, IV, VII, VIII are handed over

In case of applying for a permanent residence permit, Chapters I, II, V, VII, VIII are handed over

In case of applying for a long-term resident's EU residence permit, Chapters I, II, VI, VII, VIII are handed over

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**When filing an application for permit legalizing the stay, remember to:**

- **fill it legibly in Polish;**
- **fill in all required fields of the application** in accordance with the facts;
- fill it in with capital letters entered into the appropriate boxes;
- if in the past you provided **different personal information** - inform about this the in the justification;
- **specify the location of the stay**, where you will be receiving correspondence;
- In the part concerning criminal records **indicate information about judgments issued against you and** in the event of uncertainty as to judgments 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 judgment 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 stamp duty** to the application;
- attach **photographs taken in the appropriate format** to the application;
- **sign** the application 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 (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 which the authorization 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 evidence of identity**; **NOTE: when submitting the application you should write detailed explanation why you are unable to obtain a travel document and list the actions you have taken to get it.** You may be asked to provide evidence of these actions.
- attach any document that can confirm the information contained in the application and contribute to the immediate consideration of the case;
- if in doubt - **ask** the voivodeship office worker **for help** or go to NGOs providing assistance to foreigners. **Information on the activities of these organisations can be found on bulletin boards or in brochures available at the voivodeship office;**

### 2.1 LEGAL BASIS

- Act of 12 December 2013 on foreigners (Dz. U. of 30.12.2013, item 1650).
- Act of 14 June 1960 - Code of Administrative Procedure (Dz. U. of 2000, No. 98, item 1071, as amended).
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ 243, 15.09.2008, p. 1, as amended).

### 2.2 TERMS OF RESIDENCE OF FOREIGNERS IN THE TERRITORY OF THE REPUBLIC OF POLAND

A foreigner during the stay on Polish territory is required to have a valid travel document and documents authorizing him to stay on Polish territory, 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 has a valid **national visa** or a valid **residence card** and:

- has a valid travel document,
- can justify the purpose and conditions of the intended stay and
- has sufficient resources or 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 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 be present in the national list of alerts for refusal of entry of a Member State.

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

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

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 does not have the permit to continue staying in this territory.

A foreigner residing in Poland under an international agreement on the abolition of visa requirement or unilateral abolition of visa requirement or to whom partial or total abolition of the 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 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 does not have the permit to continue staying in that territory, in particular, has not

obtained another temporary residence permit or permanent residence permit or a long-term resident's EU residence permit.

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 long-term resident's EU residence permit, or the **decision to withdraw** his temporary residence permit, 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, 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 on the territory of the Republic of Poland in this period is considered legal** unless a request for an extension of his Schengen visa or national visa or granting him a temporary residence permit, permanent residence permit or long-term resident's EU residence permit was filed after the expiration of his legal residence in the territory.

Stay on 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 in violation of applicable regulations may result in the decision **imposing the obligation to return and a ban on re-entry to Polish territory or to Polish territory and the territory of the Schengen States for a period of 6 months to 3 years.**

## 2.3 REQUIREMENTS FOR APPLICATIONS, DOCUMENTS, CLARIFICATIONS AND REPRESENTATIONS

Conclusions, applications and documents on matters concerning the legalization of stay of foreigners on Polish territory should be:

- **written in Polish;**
- **originals or copies certified as being true copies;**
- instead of the original document, a party may file a copy of the document, if it is certified as true copy by a notary or by a representative of the party who is an attorney, solicitor, patent attorney or tax adviser - **not applicable to identification (travel) documents;**
- **translated to 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 civil status, contracts, etc.  
**Note:** obligation to provide translations **does not apply** to travel document.

## 2.4 DEADLINE

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

- **requiring investigation** should take no more than one month,
- **particularly complicated** – should take no more than two months from the date of initiation of proceedings,
- in **appeal proceedings** – should take no more than one month from the date of receipt of the appeal.

**Settlement of the case concerning the award of a permanent residence permit or a long-term resident's EU residence permit** - should be completed no later than three months from the date of initiation of proceedings,

- in **appeal** proceedings – should be completed no later than **two month** from the date of receipt of the appeal.

Before the decision to award: temporary residence permit / permanent residence permit / long-term resident's EU residence permit - **the competent voivode is obliged to ask the commander of the Border Guard, the commander of Regional Police, 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 Polish territory may pose a threat to national defence or national security or public safety and order.** This requirement does not apply to children who are under the age of 13 on the date of application.

Bearing in mind 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 about each case of matter not dealt with within these deadlines, giving reasons for the delay and indicating the new deadline.**

## 2.5 POWER OF ATTORNEY

**A party may act by proxy, unless the nature of the activity requires personal action. Proxy can be a natural person with legal capacity.**

- power of attorney should be **given in writing or recorded in the minutes;**
- attorney includes an **original or officially certified copy of the power of attorney** in the files;
- together 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 before the Head of the Office for Foreigners.**

## 2.6 SERVICE OF CORRESPONDENCE

All letters (notifications, calls, decisions, etc.) are delivered against receipt by **mail**, or by officials of the first or second instance.

**Letters are served at the address indicated by the party or in any place where the party can be found.**

Foreigners deprived of their liberty shall be delivered letters via the management of the institution in which they stay.

## CHANGE OF ADDRESS

During the proceedings, the parties (foreigners) and their representatives and agents are **required to notify the authority before which their case is currently pending of any change of address.** During the proceedings, letters are always sent to the address for service which was last indicated to the authorities concerned.

- **In the event of fail in the above duty, delivery of the letter at the previous address shall be deemed effective (e.g. in the event of such delivery of the decision, the deadline for an appeal, will run even if the foreigner or his representative did not actually received this decision because of the change of address)**
- **ABSENCE OF RECIPIENT:** In the absence of the addressee at the address indicated, the letter shall be delivered, against receipt, to an adult member of the household, a neighbour or a caretaker, if

they have taken to give the letter to the addressee. The delivery of the letter to a neighbour or a caretaker is notified by placing a notice in the recipient's mailbox, or if this is not possible, at the door of the apartment.

#### LETTERS SHALL BE DELIVERED TO:

- the **Party, i.e. the foreigner**, at the **address** indicated by him, and when he acts through a representative (e.g. guardian) – to that representative.
  - **the party is required to acknowledge receipt of the letter with his signature** indicating the date of receipt. If the party avoids delivery confirmation, the postman will determine the date of service on his 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 served 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 the refusal of its acceptance by the recipient.
- **to the representative:** If the party has appointed a representative, the letter shall be served 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. **If the foreigner fails to appoint such a representative**, the letter shall be delivered to only one representative. **The same rules of acknowledgment of receipt of letters apply to representatives and the party.**

#### IN THE EVENT OF FAILURE TO SERVE THE LETTER IN A WAY INDICATED ABOVE:

- the post office keeps the letter for a period of 14 days - for serving the document by mail,
- the letter is submitted for a period of 14 days at the office of relevant gmina (city) - for serving the letter by an employee of the gmina (city) office, 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, where this is not possible, at the door of the recipient's apartment, his office or any other room in which the recipient performs his professional activities, or in a conspicuous place at the entrance to the recipient's property.

In the event of not collecting 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**.

**Service shall be deemed to have been effected on the last day of the above period and the letter is left in the file.**

#### 2.7 SERVICE OF LETTERS IN CASE OF TRIP ABROAD

- In case of a **trip abroad**, you must indicate the person who resides in Poland and will receive correspondence on your behalf (so-called **representative for the service of letters in the country**) **and notify the authority** conducting the proceedings. In the event of failure to comply with the above obligation, the letter shall be deemed delivered at the previous 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, is obliged to indicate a representative for service in Poland. In case of **failure to indicate a representative for service in Poland**, letter to the Party will be left on file with the effect of service.

#### 2.8 REQUIREMENT OF MEETING THE DEADLINE



**Conclusions and applications written in Polish are submitted within the time period specified for the activity.**

**A deadline for a particular activity is considered to be met if before the expiry the letter was:**

- sent in the form of an electronic document, within the meaning of the Act of 17 February 2005 on the computerization of entities performing public tasks, with acknowledgement of submission, to the public administration authority,
- sent in **Polish public post office**,
- submitted to the **Polish consular office**,
- submitted by a soldier in command of a military unit,
- submitted by a crew member to ship's captain,
- submitted by a person deprived of liberty in the prison administration.

**Letter can also be submitted directly to the authority hearing the case.**

**In addition, the date of the particular activity shall be:**

- in the case of service by a **foreign postal service** - the date of receipt by the Polish postal service (date of postmark of the Polish post office);
- in the case of **delivery by courier** (letter sent both in Poland and abroad) - the date of receipt by the competent authority.

**In case of failure to meet the deadline prescribed in the call, the foreigner within seven days from the date of termination of the reason for not meeting the deadline may ask for restoration of the deadline. The foreigner must be able to substantiate that the failure to meet the deadline was not due to his fault. At the time of the request, the foreigner should supplement the documents that were listed in the notice or make the activities listed therein.**

## 2.9 READING THE CASE FILE

- **At any stage of the proceedings the party has the right to inspect the file, make notes, copies (e.g. photos) or duplicates. This right applies also after the procedure.**
- The party may request authentication of copies of the file or issue of certified copies, as long as it is justified by **important interests of the party**.
- **Stamp duty for certified copy or copies of the document requested from the file** is PLN 5 for each full or started page.
- **Active participation in the proceedings.** Public administration authorities shall ensure that the parties are actively involved in every stage of the proceedings, and allow them before making the decision to comment on the evidence and materials collected and requests submitted.
- The party may **read the case evidence**, supplement his request and make a statement to the minutes.

## 2.10 STAMP DUTY

**The obligation to pay stamp duty for various forms of legalisation of stay arises upon submission of the application to the voivode.** Stamp duty is payable to the account of the competent tax authority, which is the **voit (mayor, city president)**. The applicant is obliged to provide proof of payment of stamp duty.

**Among others, the following are subject to stamp duty:**

- temporary residence permit – PLN 340
- permit for temporary residence and work – PLN 440

- permanent residence permit – PLN 640
- long-term resident's EU residence permit – PLN 640
- extension of national visa – PLN 406
- optional extension of the Schengen visa – EUR 30
- decision other than the above, to which apply the provisions of the Code of Administrative Procedure – PLN 10
- issuance of a certificate – PLN 17
- submitting a document confirming the power of attorney or its copy – PLN 17

**If the party does not the stamp duty when submitting an application, the body conducting the proceeding shall specify the time limit for paying this amount. The time limit cannot be shorter than 7 days and not longer than 14 days. If the amount due is not settled within the specified time limit the application is returned.** Detailed list of items subject to stamp duty, its rate and exemptions are in the **Annex to the Act of 16 November 2006 on stamp duty (Dz.U. No. 225, item 1635, as amended).**

<b>RETURN OF STAMP DUTY</b>
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**Reimbursement 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, no certificate or permit have been issued.** Stamp duty is not subject to a refund after **five years** from the end of the year when it was paid. Pursuant to Article 12(1) of the Act quoted above, the tax authority competent in matters of stamp duty is the **voit (mayor, city president).**

### 3.1 AUTHORITY REVIEWING THE APPLICATION

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

### 3.2 EXTENSION OF NATIONAL VISA

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

- 1) it is in an important **professional** or **personal interest** of a foreigner or because of **humanitarian reasons** he 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 application for the national visa;
- 3) the circumstances of the case do not indicate that the **purpose of the foreigner's stay** on Polish territory would be **different than the declared one**;
- 4) there are no circumstances to refuse the issue of 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 **may 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).

#### Staying in hospital

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

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

### 3.3 EXTENSION OF SCHENGEN VISA

Schengen visa (symbol C) issued by Polish authority or authority of another Schengen country and valid on Polish territory, or the period of stay under that visa, **can be extended** for a foreigner residing on the territory of the Republic of Poland if:

- the foreigner showed that **due to force majeure or humanitarian reasons** it is not possible for him to leave the territory of the Member States before the expiry of the visa or before the end of the authorized period of stay.
  - **The above extension of visa is free.**

- the foreigner provides a proof of **serious personal reasons** justifying the extension of the validity period or the period of stay.
  - **The above extension costs EUR 30.**

## PERIOD OF STAY

The **period of stay** on the territory of the Republic of Poland on the basis of extended visa **should not exceed** the maximum period of stay envisaged for the given type of visa, **i.e. 90 days per period of 180 days** in the event of a Schengen visa (including a period of residence on the basis of a visa to be extended).

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

### 3.4 DEADLINE FOR APPLICATION

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

- **Schengen visa**
- **national visa**

is obliged to submit application to the voivode competent for the place of his residence for visa extension no later than at the date of expiry of the period of his legal residence in the territory of the Republic of Poland.

If the foreigner applied for the extension of a Schengen visa or a national visa after the date referred to above, the voivode refuses to initiate proceedings on the extension of the visa.

A foreigner who has applied for a visa extension by the above date 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 of formal defects have been completed on time, the **foreigner's stay on Polish territory is considered legitimate** 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 is be **suspended at the request of the foreigner**, his **stay** at that time **will not** be considered **legal**.

#### **NOTE:**

**A stamp in the travel document does not entitle a foreigner to travel to other Schengen states, but the foreigner can go to the country of origin.**

### 3.5 SETTLEMENT

Settlement regarding the extension of a Schengen visa or a national visa is made by way of a decision. The extended Schengen visa or national visa shall be included in the travel document in the form of a sticker.

### 3.6 DOCUMENTS

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

1. **recent photograph** - intact, in colour, measuring 35 x 45 mm, made in the past 6 months, against a light background, having good focus, clearly showing the eyes and face from the top of the head to the top of the shoulders, so that the face occupies 70-80% of the photo; photograph should show the person without a hat and dark glasses, looking straight ahead with eyes open, not covered by hair, with a natural facial expression and mouth closed;

**Note: A foreigner wearing a head covering in accordance with the principles of his religion can attach to the application a photograph showing him wearing head covering, if the image of the face is fully visible. In this case, the application shall be accompanied by a foreigner's statement on belonging to a religious community.**

2. **documents confirming:**

- **purpose of the stay** and the need to extend a Schengen visa or a national visa,
- having sufficient **funds** to cover living costs for the entire period of intended stay on Polish territory 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 lawfully,
- 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 Polish territory, covering any expenses that may arise during his stay on the territory 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 cost of health care benefits provided to the insured directly to the entity providing such services on the basis of a bill issued by that – in the case of extending 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 states, covering any expenses referred to above - **in the case of the 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 an extension of a Schengen visa or a national visa presents for inspection a travel document which meets the criteria:**

- 1) it expires no earlier than **3 months** after the expiry of the visa applied for (unless there is an urgent case justified by the legitimate interest of the foreigner);
- 2) has at least **two blank pages**;
- 3) 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 Polish territory for a **period longer than three months**, with the exception of a temporary residence permit granted due to circumstances that require a short-term stay.

### 4.1 PURPOSE OF STAY FOR WHICH TEMPORARY RESIDENCE PERMIT COULD BE GRANTED

1. **PERMIT FOR TEMPORARY RESIDENCE AND WORK** when the purpose of stay on Polish territory is to work
2. **PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS** where the purpose of the foreigner's stay on Polish territory is highly qualified work
3. **PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK FOR A FOREIGNER POSTED BY FOREIGN EMPLOYER TO THE REPUBLIC OF POLAND** where the purpose of the foreigner's stay in Poland is work conducted by a foreigner posted by a foreign employer to the territory of the Republic of Poland
4. **PERMIT FOR TEMPORARY RESIDENCE TO CONDUCT BUSINESS** if the purpose of the foreigner's stay on Polish territory is to conduct business under the laws in this regard in that territory
5. **PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF STUDYING** when the purpose of stay is to attend the first degree studies, second degree studies or master's degree or third-degree studies, **which are full-time studies or PhD studies**, even if these studies are a continuation of or complement of studies undertaken by the foreigner on the territory of another Member State of the European Union. Permit is also granted to a foreigner who intends to take a **preparatory course for studies in Polish language**.
6. **PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING RESEARCH** granted to a foreigner who is a scientist, where the purpose of his stay on Polish territory is to conduct research or development work under contract for carrying out a research project concluded with a research unit, referred to in Article 2(9) of the Act of 30 April 2010 on the principles of financing science (Dz.U. No. 96, item 615, as amended), approved for this purpose by the minister responsible for science on the basis of the decision.
7. **PERMIT FOR TEMPORARY RESIDENCE FOR FAMILY MEMBERS OF POLISH CITIZENS** is granted to a foreigner who is married to a Polish citizen or to a foreigner who is a minor child of a foreigner married to a Polish citizen and having a temporary residence permit for family member of a Polish citizen
8. **PERMIT FOR TEMPORARY RESIDENCE FOR FAMILY MEMBERS OF FOREIGNERS** granted to a foreigner who is married to a foreigner residing in the territory of the Republic of Poland on a specific basis or is a minor child of this foreigner or a minor child of a foreigner married to a foreigner residing in the territory of the Republic of Poland

9. **STAY ON POLISH TERRITORY OF FOREIGNERS WHO ARE VICTIMS OF TRAFFICKING.** A foreigner, in respect of whom there is a presumption that he is a victim of trafficking in human beings within the meaning of Article 115(2)2 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 satisfied: 1) the foreigner resides on Polish territory, 2) cooperates with the body leading the criminal proceedings for the offense of human trafficking, 3) severed contacts with persons suspected of committing the above crime,

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

11. **PERMIT FOR TEMPORARY RESIDENCE DUE TO OTHER CIRCUMSTANCES** is granted or may be granted due to various circumstances. It is granted, among others, when the purpose of the foreigner's stay in Poland is to study or participate in professional training. The permit is also granted to graduates of Polish universities seeking jobs in the Republic of Poland. It can also be granted to foreigners with families in Poland.

#### 4.2 ADDITIONAL REQUIREMENTS FOR THE APPLICATION

The foreigner submits the application for temporary residence permit **in person**, no later than **on the last day of his legal stay** in the territory of the Republic of Poland. If the application for temporary residence permit has not been submitted by the foreigner in person, **e.g. was sent by mail, the voivode calls him to appear in person** within 7 days under pain of leaving the application without consideration.

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 is submitted by a guardian appointed by the court;
- 3) **an unaccompanied minor** – application for temporary residence permit is submitted by a guardian.

When submitting an application for temporary residence permit by a foreigner who is a minor **over 6 years old, his 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 are under six years of age, or**
- **from whom taking fingerprints is physically impossible, or**
- **who apply for temporary residence permit for the purpose of family reunification (see point 4.6.8 points I).**

If the foreigner fails to submit fingerprints in order to issue a residence card, although he is obliged to, the authority refuses to initiate proceedings for granting permit.

In the case of granting temporary residence permit for the purpose of family reunification, the residence card is issued at the request of the foreigner who has been granted this permit (family member). Fingerprints are submitted by the foreigner with the application for a residence card.

Data in the form of fingerprints taken in order to issue the 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 temporary residence permit, permanent residence permit or long-term resident's EU residence permit or the decision to refuse to issue or replace the residence card, the data in the form of fingerprints are stored in the registers **until information about these decisions is entered in the registers**, when these decisions have become final.

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 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 to the date on which the decision on granting temporary residence permit becomes final (e.g. within 14 days of its receipt, if no appeal is filed).**

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

#### **NOTE:**

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

### 4.3 OTHER IMPORTANT INFORMATION

**A foreigner who has been granted a temporary residence permit is required to notify the voivode, who gave that permit, within 15 working days, of the termination of the cause for granting the permit.**

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

### 4.4 AUTHORITY REVIEWING THE APPLICATION

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

### 4.5 DOCUMENTS

The foreigner is obliged to:



- present a **valid travel document**. In particularly justified cases, when a foreigner does not have a valid travel document and has no possibility to obtain it, he may present **another document confirming his identity. When submitting the application, the foreigner should write a detailed explanation why he is unable to obtain a travel document and list the actions he has taken to obtain it.** He may also be asked to provide evidence of these actions. **Identity document, presented instead of a travel document, should unequivocally identify the foreigner**
- submit a **completed application form** and attach to the application:

➤ **4 recent photographs** - intact, in colour, measuring 35 x 45 mm, made in the past 6 months, against a light background, having good focus, clearly showing the eyes and face from the top of the head to the top of the shoulders, so that the face occupies 70-80% of the photo; photograph should show the person without a hat and dark glasses, looking straight ahead with eyes open, not covered by hair, with a natural facial expression and mouth closed;

**Note: A foreigner wearing a head covering in accordance with the principles of his religion can attach to the application a photograph showing him wearing head covering, if the image of the face is fully visible. In this case, the application shall be accompanied by a foreigner's statement on belonging to a religious community.**

➤ **Information of the staroste, concerning the so-called labour market test**, referred to in Article 88c. paragraph 1 point 2 of the Act of 20 April 2004 on employment promotion and labour market institutions - in the case of applying for a permit for temporary residence and work **(exceptions to the requirement for a document are defined in the section on details of the permit for temporary residence and work)**

**Note - lack of any of these documents is the formal defect 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 included in the application** and circumstances justifying application for temporary residence permit.

➤ **proof of payment of stamp duty;**

➤ **evidence of health insurance** (e.g. insurance or certificate from SSI) within the meaning of the Act of 27 August 2004 on health care services financed from public funds, or confirmation of coverage by the insurer of the cost of treatment in the territory of the Republic of Poland. The above documents should be attached in case of applying for: permit for temporary residence and work (point 1); permit for temporary residence for the purpose of work in a profession requiring high qualifications (point 2); permit for temporary residence for the purpose of work for a foreigner posted by foreign employer to the Republic of Poland (point 3), permit for temporary residence to conduct business (point 4), permit for temporary residence for the purpose of studying (point 5), permit for temporary residence for the purpose of conducting research (point 6), permit for temporary residence for family members of foreigners (point 8), permit for temporary residence due to other circumstances (point 11)

➤ **documents confirming a stable and regular source of income** (e.g. income tax return with the amount of income, certificates from SSI, etc.) sufficient to cover the costs of living for oneself and for family members dependent on him. 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 (Dz.U. of 2013, item 182, as amended 18), with respect to the foreigner and each family member dependent on him. (should exceed PLN 456 for people in the family or PLN 542 for singles). The above documents should be attached in case of applying for: permit for temporary residence and work (point 1); permit for temporary residence for the purpose of work for a foreigner posted by foreign employer to the Republic of Poland (point 3), permit for temporary residence to conduct business (point 4), permit for temporary residence for family members of foreigners (point 8), permit for temporary

residence due to other circumstances, such as vocational training or job search in Poland by Polish university graduate (point 11)

- **evidence of sufficient funds to cover the costs of living and return travel 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 case of applying for: permit for temporary residence for the purpose of studying (point 5), permit for temporary residence for the purpose of conducting research (point 6), permit for temporary residence due to other circumstances in order to pursue or continue education (point 11). The minimum amount of these funds and documents that could confirm obtaining them is defined by three separate implementing regulations for the Act on foreigners.
  
- **evidence of having a place of residence in the territory of the Republic of Poland (e.g. certificate of registration or tenancy agreement)** must be attached in the case of applying for: permit for temporary residence and work (point 1); permit for temporary residence for the purpose of work for a foreigner posted by foreign employer to the Republic of Poland (point 3), permit for temporary residence to conduct business (point 4), permit for temporary residence for family members of foreigners (point 8), permit for temporary residence due to other circumstances (point 11).

#### EXCEPTION

**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.

## 4.6 SPECIFIC REGULATIONS REGARDING TEMPORARY RESIDENCE PERMITS

### 4.6.1. PERMIT FOR TEMPORARY RESIDENCE AND WORK

The foreigner must satisfy the conditions relating to having **health insurance, stable and regular source of income** sufficient to cover the living costs for him and dependent family members and having the **place of residence in the territory of the Republic of Poland** (see point 4.5)

The application for **granting or amending** permit for temporary residence and work should **include information of the staroste with jurisdiction over the principal place of work of a foreigner about the lack of opportunities to meet staffing needs of the employer in the local market.**

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

**This requirement does not apply if:**

1) the profession of the foreigner or the type of work that is entrusted to him is in the **list of occupations and types of work** for which issuing work permit does not require to take into account the above-mentioned information of the staroste (**Article 10(4) point 1 of the Act of 20 April 2004 on employment promotion and labour market institutions**), or

- 2) the foreigner immediately before the application had work permit or permit for temporary residence and work with the same employer for the same job, or
- 3) the 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 that specifies the cases in which work permit is issued regardless of payment and condition on the local labour market)
- 4) the 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 the foreigner's **agreement with an entity (employer) entrusting performance of work, which is the basis for conducting work, concluded in written form**, which should not be less than the remuneration of employees conducting **work of comparable type or at comparable position** and working similar hours. This requirement does not apply if the foreigner meets the conditions for exemption from the obligation to obtain a work permit, as defined by separate regulations.

The conditions for granting permit also include **meeting eligibility requirements** and other conditions if the foreigner intends to perform work in a regulated profession (e.g. doctor, lawyer, etc.) within the meaning of Article 2(1) of the Act of 18 March 2008 on the principles of recognition of professional qualifications acquired in the Member States of the European Union.

In addition to general cases of refusal to initiate proceedings (see point 4.9), the authority **refuses to initiate proceedings** to grant permit for temporary residence and work if the foreigner:

- 1) is a **worker posted** to work on Polish territory for a specified period by an employer established outside the Republic of Poland - throughout the period of posting or
- 2) entered the territory of the Republic of Poland on the basis of the commitments contained in international agreements on facilitating the entry and temporary stay of certain categories of natural persons engaged in trade and investment, or
- 3) **conducts business activity** on Polish territory.

In addition to general cases of refusal to grant temporary residence permits (see point 4.10), the permit for temporary residence and work **shall be refused** if:

1) **the entity which entrusts performance of work:**

a) has been legally punished for offences listed in Article 117(1) of the Act on foreigners, referred to in the Act of 20 April 2004 on employment promotion and labour market institutions or in the Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations, or

b) is a natural person convicted by a final judgment for **crimes**, listed in Article 117(1) of the Act on foreigners and defined in the Criminal Code, against the rights of persons engaged in gainful employment or for crimes committed in connection with the proceedings on the issue of a work permit, or is an entity managed or controlled by such person, or the crimes referred to in Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations.

2) **the foreigner:**

a) **does not meet the eligibility requirements** and other conditions in the case of entrusting him with work in a regulated profession within the meaning of Article 2(1) of the Act of 18 March 2008 on the principles of recognition of professional qualifications acquired in the Member States of the European Union (Dz.U. No. 63, item 394), or

b) has been convicted by a final judgement of a **crime** referred to in Articles 270-275 of the Penal Code, committed in connection with the proceedings on the issue of a work permit, or granting him a permit for temporary residence and work.

The foreigner **should apply** to the voivode competent for the place of residence to change a temporary residence permit if he intends to carry out work **for another employer** or on conditions **different than those specified in the permit** (i.e. at a different position, for a lower wage, working different hours or under different type of employment contract).

Change of registered office or place of residence, name or legal form of entity entrusting the performance of work or taking over of the employer or part thereof by another employer **do not require an amendment or issue of a new** permit for temporary residence and work.

The application for **amendment** of permit for temporary residence and work should be accompanied by the **above information from the staroste**, unless this requirement is not applicable.

Voivode **may refuse to amend** the permit for temporary residence and work if:

- 1) the foreigner does not meet the conditions for granting permit, or
- 2) the entity which entrusts the work does not meet the requirements regarding the lack of opportunities to meet staffing needs in the local labour market and wage comparability.

**Note: The period of validity of the amended permit may not exceed three years from the date of issue of the permit which is subject to amendment.**

**NOTE: In case of an intention to work with another entity entrusting the performance of work (employer), the foreigner must apply for a new permit for temporary residence and work. (Note: issuance of a new permit also gives rise to the obligation to pay stamp duty)**

The foreigner may perform work for **another entity entrusting the performance of work under a separate work permit. - in this case, work permit for a foreigner is acquired by the entity entrusting work.**

The foreigner staying in Poland on the basis of a permit for temporary residence and work is **required to notify in writing the voivode** competent for the place of current residence, **within 15 working days, of the loss of job in any** of the entities entrusting work (employers) listed in the permit;

A permit for temporary residence and work **is not subject to withdrawal** due to loss of job in the entity entrusting the execution of work specified in the permit **within 30 days from the date of losing the job:**

- 1) if the foreigner demonstrates that he complied with the duty of notification referred to above, or
- 2) if the notification referred to above has not been served to the voivode for reasons beyond the control of the foreigner.

In the event of job loss among at all entities entrusting performance of work, specified in the permit, this provision does **not apply more than once during the validity of the permit.**

NOTE: Apart from the cases referred to in point 4.11, the voivode **withdraws** the permit for temporary residence and work, if the **position stated in the permit have changed or salary has been reduced, and the permit has not been amended.**

When performance of work on Polish territory consist in the **performance of functions on the board of a legal person to be entered in the register of companies and the foreigner does not have the shares of that legal person**, the permit for temporary residence and work shall be granted if the entity that the foreigner manages or will manage meets the requirements of **profitability of economic activity (see point 4.6 Ad 4)**. **There is no requirement to attach the above information of the staroste and the condition of payment comparability.**

Obtaining a permit for temporary residence and work **does not exempt from compliance with certain other provisions relating to the requirements for regulated professions or business activity.**

#### 4.6.2. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS

A foreigner should have **health insurance** (see point 4.5).

The application for **granting or amending** permit for temporary residence for the purpose of work in a profession requiring high qualifications should include **information of the staroste with jurisdiction over the principal place of work of a foreigner about the lack of opportunities to meet staffing needs of the employer in the local market.**

This information is requested by the **entity offering work** 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 is in the **list of occupations and types of work** for which issuing work permit does not require to take into account the above-mentioned information of the staroste (**Article 10(4) point 1 of the Act of 20 April 2004 on employment promotion and labour market institutions**), or
- 2) the foreigner immediately before the application had work permit or permit for temporary residence and work with the same employer for the same job, or
- 3) the 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 that specifies the cases in which work permit is issued regardless of payment and condition on the local labour market)
- 4) the foreigner meets the conditions for exemption from the obligation to obtain a work permit, as defined by separate regulations, or
- 5) the foreigner was already lawfully employed in the territory of the Republic of Poland for a period of two years on the basis of permit for temporary residence for the purpose of work in a profession requiring high qualifications, or

**The conditions for granting** the permit include also:

- concluding, for a period of at least one year, of employment contract, contract for home-based work or civil contract under which the foreigner performs work, provides services or remains in an employment relation,
- meeting the eligibility requirements and other conditions in the case of work in a regulated profession within the meaning of Article 2(1) of the Act of 18 March 2008 on the principles of recognition of professional qualifications acquired in the Member States of the European Union,
- having higher qualifications,
- having formal approval of the competent authority to occupy a particular position, pursue the occupation or conduct other activities, where the obligation to obtain it prior to entering into a contract results from separate regulations;
- **the annual gross salary resulting from monthly or annual salary indicated in the contract should not be lower than the minimum salary specified in the implementing regulation** to the Act on foreigners.

In addition to general cases of refusal to initiate proceedings (see point 4.9), **the authority refuses to initiate proceedings** to grant permit for temporary residence for the purpose of work in a profession requiring high qualifications if the foreigner:

- 1) is applying for a permit for temporary residence for the purpose of conducting research, or holds such permit, or
- 2) is an employee of an undertaking established in another EU Member State and is temporarily posted by the employer to provide services on Polish territory, or
- 3) entered the territory of the Republic of Poland on the basis of the commitments contained in international agreement on facilitating the entry and temporary stay of certain categories of natural persons engaged in trade and investment, or
- 4) has the permit referred to in Article 186(1) point 3(a) and is a long-term resident in another EU Member State of the EU.

In addition to the general cases applicable to this permit and concerning refusal to grant temporary residence permit (see point 4.10), the authority **shall refuse** permit for temporary residence for the purpose of work in a profession requiring high qualifications, if the entity **entrusting the work** has been lawfully punished for the **offense** of illegal entrusting of work to a foreigner, as referred to in Article 120(1) of the Act of 20 April 2004 on employment promotion and labour market institutions, and within two years of punishment was again punished for a similar offense, or has been legally punished for the offenses referred to in Article 120 paragraphs 3-5 of the said act.

The foreigner **should apply** to the governor competent for the foreigner's place of residence to change the temporary residence permit if the foreigner intends to proceed with the work for entity other than the one specified in the permit, intends to change the position or will receive lower wages than those specified in the permit.

**Amendment of permit is not required** in case of change of name or legal form of entity entrusting work to the foreigner, and in the case of acquisition of the employer or part thereof by another entity.

**The application for amendment of permit should be accompanied by the above information from the staroste**, unless this requirement is not applicable.

**During the first two years of foreigner's residence on the territory of the Republic of Poland on the basis of this permit:**

- 1) the foreigner may not commence work with entity other than the one specified in the permit,
- 2) the foreigner cannot change the position at which he is employed;
- 3) the foreigner cannot be paid less than the amount specified in the permit

**- without amending the permit.**

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

- 1) the period during which the foreigner is unemployed:
  - a) is more than three months counted from the date of job loss to the date of the foreigner's application for amendment of permit due to the change of the entity entrusting work, or
  - b) the foreigner applied more than 2 times during the validity of the permit, or
- 2) the foreigner has not notified the governor competent for the place of residence of the loss of job within the time specified, i.e. 15 working days from its loss, or

- 3) the foreigner no longer meets the conditions for the granting of the permit, or
- 4) the entity which will entrust work to the foreigner does not meet the conditions regarding the lack of opportunities to meet staffing needs in the local labour market and the required amount of remuneration, or
- 5) the period of validity of the amended permit exceeds three years.

The foreigner staying in the territory of the Republic of Poland on the basis of this permit **shall, within 15 working days, notify in writing the voivode** competent for the foreigner's place of residence **of the loss of job.**

If **during the first 2 years of the foreigner's residence** in the territory of the Republic of Poland on the basis of this permit, the conditions specified in the permit and relating to the minimum working time and the type of agreement under which the foreigner performs work has changed, the foreigner **is obliged within 15 days to notify the change to the voivode competent for the foreigner's place of residence.**

If **after 2 years** of the foreigner's **residence** in the territory of the Republic of Poland on the basis of this permit, there has been a change in the position, change to lower remuneration or change in minimum working time and the type of agreement under which the foreigner performs work, the foreigner **is obliged within 15 days to notify the change to the voivode** competent for the foreigner's place of residence.

Apart from the cases referred to in point 4.11, the authority **withdraws** permit for temporary residence for the purpose of work in a profession requiring high qualifications, if the foreigner **does comply with the restrictions on access to the labour market during the first two years of residence** under this permit.

This authorization **shall not be withdrawn** due to loss of work at the entity entrusting work, specified in the permit, if all of the following conditions are met:

- 1) unemployment period does not exceed **three months during the period of validity** of the permit;
- 2) unemployment period occurred **no more than 2 times within the validity period** of the permit;
- 3) the foreigner demonstrates that he complied with the duty of notification referred to above, or that the notification has not been served to the voivode for reasons beyond the control of the foreigner.

**Obtaining permit for** temporary residence for the purpose of work in a profession requiring high qualifications **does not exempt from compliance with certain other provisions relating to the requirements for regulated professions or business activity.**

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#### 4.6.3. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK FOR A FOREIGNER POSTED BY FOREIGN EMPLOYER TO THE REPUBLIC OF POLAND

The foreigner must satisfy the conditions relating to having **health insurance, stable and regular source of income** sufficient to cover the living costs for him and dependent family members and having the **place of residence in the territory of the Republic of Poland** (see point 4.5)

The condition for granting permit is to have a **work permit** within the meaning of the Act of 20 April 2004 on employment promotion and labour market institutions, or a written statement of the employer of his intention to entrust work to the foreigner, if the work permit is not required;

The requirement of legal residence does not apply to foreigners temporarily posted to provide services on Polish territory by an employer established in another Member State of the European Union, Switzerland, Norway, Iceland or Liechtenstein, entitled to stay and work in the territory of that State.

#### 4.6.4. PERMIT FOR TEMPORARY RESIDENCE TO CONDUCT BUSINESS

The foreigner must satisfy the conditions relating to having **health insurance, stable and regular source of income** sufficient to cover the living costs for him and dependent family members and having the **place of residence in the territory of the Republic of Poland** (see point 4.5)

**The conditions for granting** the permit include also:

- having formal approval of the competent authority to occupy a particular position, pursue the occupation, where the obligation to obtain it results from separate regulations;

- entity engaged in an economic activity:

a) in the tax year preceding the application for permit for temporary residence to conduct business, **should reach the income not lower than 12 times the average monthly wage in the voivodeship** in which the entity is established or domiciled, in the third quarter of the year preceding the application, published by the Central Statistical Office on the basis of Article 30(2) of the Act of 26 October 1995 on supporting housing (Dz.U. of 2013, item 255), **or employ for an indefinite period and on a full-time basis, for at least one year preceding the application, at least 2 employees who are Polish citizens or foreigners referred to in Article 87(1) points 1-9 of the Act of 20 April 2004 on employment promotion and labour market institutions (e.g. refugees or foreigners having a permanent residence permit or long-term resident's EU residence permit, or**

b) **should demonstrate that it has the means to meet in the future the conditions** set out in point (a) or pursues activities to meet these conditions in the future, in particular contributing to the growth of investment, technology transfer, introducing innovations or creating jobs.

Conditions specified above in point (a) or (b) apply to limited partnership, limited joint-stock partnership, limited liability company or a joint stock company or a company joined by the foreigner or whose shares he acquired or purchased.

Permit for temporary residence to conduct business shall also be granted to the foreigner whose purpose of residence is to **perform work by serving at the board of a limited liability company or joint stock company, which he founded and whose shares he acquired or purchased**, as long as the company meets the conditions referred to above in points (a) or (b). This permit **does not require work permit; there is also no requirement to include information from the staroste about the lack of possibility to meet staffing needs of the employer in the local labour market and about the condition of payment comparability.**

In addition to general cases of refusal to grant a temporary residence permit (see point 4.10), the permit for temporary residence to conduct business **shall be refused** to a foreigner, **in case where the purpose of the stay is to perform work by serving at the board of the company he created or whose shares he acquired or purchased**, if:

1) **the entity which entrusts performance of work:**

a) has been legally punished for **offences** listed in Article 117(1) of the Act on foreigners, referred to in the Act of 20 April 2004 on employment promotion and labour market institutions or in the Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations, or



b) the foreigner is a natural person convicted by a final judgment for **crimes**, listed in Article 117(1) of the Act on foreigners and defined in the Criminal Code, against the rights of persons engaged in gainful employment or for crimes committed in connection with the proceedings on the issue of a work permit, or is an entity managed or controlled by such person, or the crimes referred to in Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations.

**2) the foreigner:**

a) **does not meet the eligibility requirements** and other conditions in the case of entrusting him with work in a regulated profession within the meaning of Article 2(1) of the Act of 18 March 2008 on the principles of recognition of professional qualifications acquired in the Member States of the European Union (Dz.U. No. 63, item 394), or

b) has been convicted by a final judgement of a **crime** referred to in Articles 270-275 of the Penal Code, committed in connection with the proceedings on the issue of a work permit, or granting him a permit for temporary residence and work.

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#### 4.6.5. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF STUDYING

Permit for temporary residence for the purpose of studying in the first degree studies, second degree studies or uniform university master's degree or third-degree studies is granted to a foreigner if the purpose of his stay on Polish territory is **taking or continuing full-time studies or doctoral studies**, hereinafter the "studies", **even** when these studies are a **continuation or supplement studies undertaken by the foreigner on the territory of another Member State of the European Union**, and if all of the following conditions are met:

1) the foreigner shall submit:

a) the **certificate from the entity offering studies** about the acceptance for studies or about continuation of studies,

b) **proof of payment**, if the foreigner takes or continues tuition-based studies;

The foreigner must also satisfy the **condition of having health insurance and sufficient funds** to cover the cost of living and travel back to the country of origin or residence or transit to a third country, which grants permission to enter (see point 4.5)

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

Permit for temporary residence for the purpose of studying at first degree, second degree or uniform master's degree or third-degree studies **are also granted to a foreigner** who intends to take a **preparatory course for studies in Polish language** and meets the above conditions for granting permit for temporary residence for the purpose of studying.

In addition to general cases of refusal to grant temporary residence permit (see point 4.10), applicable to this permit, the foreigner **shall be refused this permit** if:

1) he has the permit for temporary residence for the purpose of studying or taking vocational training, referred to in Article 186(1) point 3(b) and is a long-term resident in another EU Member State of the EU, or

2) **performs work or conducts business activities in the territory of the Republic of Poland**, unless he applies for a subsequent permit for the purpose of studying.

In addition, the foreigner **may be refused subsequent permit for temporary residence for the purpose of studying when he did not complete the academic year within certain time period (the time is determined by the university).**

In addition to the general cases of withdrawing the temporary residence permit (see point 4.11), applicable to this permit, the authority **may withdraw subsequent permit** for temporary residence for the purpose of studying **when the foreigner did not complete the academic year within a specified period.**

**The voivode notifies the rector** or head of another entity offering studies, indicated by the foreigner in the application for permit, about granting the foreigner the permit for temporary residence for the purpose of studying.

**Rector of the university or the head of another unit offering studies shall immediately notify in writing the voivode**, who granted the permit for temporary residence for the purpose of studying, **on removal of the foreigner from the list of students, as well as about failing to complete the year of studies in a specified period.**

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#### 4.6.6. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING RESEARCH

Permit for temporary residence for the purpose of conducting research is granted to a foreigner **who is a scientist, with at least the professional title corresponding to the Polish master's degree, or equivalent, allowing access to at least doctoral studies**, where the purpose of his stay on Polish territory is to conduct research or development work **under contract for carrying out a research project concluded with a research unit**, referred to in Article 2(9) of the Act of 30 April 2010 on the principles of financing science (Dz.U. No. 96, item 615, as amended), **approved for this purpose by the minister responsible for science** on the basis of the decision, and when the foreigner presents:

- 1) **the contract accepting him for carrying out a research project concluded with a research unit established on Polish territory;**
- 2) **a written statement of the scientific unit in which it undertakes to bear the cost of researcher's stay** in the Republic of Poland, as well as the **costs of implementing the decision on obliging the foreigner to return**, covered from public funds before the expiry of six months from the date of expiry of the contract, if the basis for the decision on obliging the foreigner to return will be his illegal stay on the territory of the Republic of Poland;

The foreigner must also satisfy the condition of **having health insurance and sufficient funds** to cover the cost of living and travel back to the country of origin or residence or transit to a third country, which grants permission to enter (see point 4.5)

Permit for temporary residence for the purpose of conducting research is **also granted to a foreigner who holds a residence document** referred to in Article 1(2) point (a) of the Council Regulation No 1030/2002 **(the equivalent of Polish residence card), marked "scientist", issued by another Member State of the European Union**, if the contract accepting him for carrying out a research project concluded with a competent scientific unit of that State **provides for research or development work also on Polish territory.**

In this case, the foreigner presents a **hosting agreement concluded** for the purpose of carrying out a research project **with a research unit established in the territory of another Member State of the European Union.**

Detailed regulations for the approval of research units and concluding hosting agreements with foreigners for purposes of carrying out research projects are defined in the Act on foreigners (Article 151 paragraphs 4-8, Article 152)

**The hosting agreement** concluded for the purpose of carrying out a research project **shall terminate, if the foreigner is refused entry** to the territory of the Republic of Poland **or temporary residence permit**.

In addition to general cases of refusal to initiate proceedings (see point 4.9), the authority **refuses to initiate proceedings** to grant the permit if the foreigner:

- 1) intends to carry out, **within the framework of doctoral studies**, research and development work within the meaning of Article 2 points 3 and 4 of the Act of 30 April 2010 on the principles of financing science, or
- 2) **is posted by a scientific unit** established in the territory of another Member State of the European Union to a research unit based in the territory of the Republic of Poland.

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#### 4.6.7. TEMPORARY RESIDENCE PERMIT FOR FAMILY MEMBERS OF POLISH CITIZENS

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

1. the family member remains **is married to a citizen of the Republic of Poland**, or
2. is a **minor child of a foreigner** married to a citizen of the Republic of Poland and having a temporary residence permit for a family member of a Polish citizen.

**Note.** The procedure for granting permit for the spouse of a Polish citizen determines whether the marriage was concluded in order to circumvent the Act on foreigners. Confirmation of this fact results in a refusal to grant a permit.

II. A foreigner who holds a temporary residence permit for a family member of a Polish citizen **is granted once further permit** in case of:

1. divorce or separation, if it is in the vital interest of the foreigner, or
2. widowhood, or
3. death of a parent of a minor child when it is in the vital interest of the child.

III. Temporary residence permit **can be granted to a foreigner who is a member of the family of a Polish citizen residing in the territory of the Republic of Poland, or of a national of another Member State of the European Union, Switzerland, Liechtenstein, Norway or Iceland, other than that referred to in Article 2(4) of the Act of 14 July 2006 on the entry** to the territory of the Republic of Poland, stay and exit from that territory of nationals of Member States of the European Union and their family members, who resides in the territory of the Republic of Poland, together with that Polish citizen - because of:

a) **financial dependence on him or staying with him in the household, in the country from which the foreigner came**, or

b) **serious health considerations** requiring personal care on the part of that citizen.

IV. Temporary residence permit **can be granted to a foreigner conducting family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms** signed in Rome on 4 November 1950 (Dz.U. of 1993, No. 61, item 284, as amended)), **with a Polish citizen residing in the territory of the Republic of Poland or a national of another Member State of the European Union, Switzerland, Liechtenstein, Norway or Iceland**, with whom he stays together in this territory,

In the case of permits indicated in **points III and IV**, the foreigner should satisfy the conditions relating to **having health insurance, stable and regular source of income** sufficient to cover the living costs for him and dependent family members (see point 4.5)

In proceedings on granting temporary residence permit for a foreigner who is the spouse of a Polish citizen, the body which conducts the proceedings **determines whether the marriage was concluded in order to circumvent the Act on foreigners.**

In proceedings on the granting of a temporary residence permit for a foreigner referred to in point IV, the body which conducts the proceedings, **shall determine, in particular, whether the foreigner's ties** to a Polish citizen or a national of another Member State of the European Union, Switzerland, Liechtenstein, Norway or Iceland **are real and permanent.**

In order to make a determination whether the marriage was concluded in order to circumvent the Act on foreigners, or whether the foreigner's ties are real and permanent, the body conducting the proceedings may **request the commanding officer of the Border Guard division** or the commanding officer of the Border Guard checkpoint, with jurisdiction over the foreigner's place of residence, to **conduct verification activities** referred to in Article 11(1) of the Act on foreigners (community interview, determination of the whereabouts of a spouse or other family member of a foreigner, and the person with whom the foreigner has family ties).

Article 79 of the Administrative Code does not apply in making these findings and carrying out verification activities (e.g. the foreigner does not have to be notified of the time and place of verification activities).

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#### 4.6.8. TEMPORARY RESIDENCE PERMIT FOR FAMILY MEMBERS OF FOREIGNERS

**A family member of a foreigner** shall be:

- 1) a person married to a foreigner, and the marriage is recognized by Polish law;
- 2) a minor child of the foreigner and a person married to him, including an adopted child;
- 3) a minor child of the foreigner, including an adopted child, dependent on him, over which the foreigner exercises actual parental authority;
- 4) a minor child of a person referred to in point 1, including an adopted child, dependent on that person, over which the person exercises actual parental authority;

A family member of a minor foreigner who has been granted refugee status or subsidiary protection status, staying on Polish territory unattended, is also the direct ascendant or an adult responsible for the minor in accordance with the laws of the Republic of Poland.

**I. Temporary residence permit for the purpose of family reunification** is granted to a foreigner who **arrives** on the territory of the Republic of Poland **or stays** in that territory in order to join his family and **is a family member of the foreigner residing in the territory of the Republic of Poland:**

- a) on the basis of a permanent residence permit,
- b) on the basis of a long-term resident's EU residence permit;
- c) in connection with granting him the refugee status,
- d) in connection with granting him supplementary protection;

- e) at least for a period of two years based on subsequent temporary residence permits, including immediately before applying a temporary residence permit for a family member - on the basis of the permit granted to him for the period of residence of not less than one year,
- f) on the basis of permit for temporary residence for the purpose of conducting research,
- g) on the basis of permit for temporary residence for the purpose of conducting research where the foreigner holds a residence document referred to in Article 1(2) point (a) of the Council Regulation No 1030/2002, marked "scientist", issued by another Member State of the European Union, if the contract accepting the foreigner for carrying out a research project concluded with a competent scientific unit of that State provides for research or development work also on Polish territory,
- h) on the basis of permit for temporary residence for the purpose of work in a profession requiring high qualifications,
- i) in connection with the granting of permission to stay for humanitarian reasons.

II. Temporary residence permit **can be granted to a minor child of a foreigner** who is staying in the territory of the Republic of Poland **on the basis of national visa or temporary residence permit** if the child **was born during the period of validity** of the national visa or the temporary residence permit.

III. **A separate temporary residence permit** is granted to a foreigner married to a foreigner residing in the Republic of Poland or to a foreigner who is an adult child of a foreigner residing in that territory and who **stays in the territory of the Republic of Poland for at least five years on the basis of temporary residence permits for the purpose of family reunification.**

In the case of a spouse or an adult child of a foreigner residing on the territory of the Republic of Poland on the basis of a permit for temporary residence for the purpose of work in a profession requiring high qualifications, the authority **takes into account the stay on the territory of another Member State of the European Union as a family member of the holder of the "EU Blue Card" issued in connection with the granting by that Member State of residence for the purpose of work in a profession requiring high qualifications, if at least 2 years immediately before the application they resided on the territory of the Republic of Poland on the basis of temporary residence permits for the purpose of family reunification as family members of a foreigner residing in the territory of the Republic of Poland on the basis of permit for temporary residence for the purpose of work in a profession requiring high qualifications.**

IV. A foreigner who is staying in the territory of the Republic of Poland on the basis of temporary residence permit for the purpose of family reunification, is **once granted** a temporary residence permit, if it is in his vital interest, in the case of:

- 1) divorce, separation or widowhood of the foreigner, if he was married to a foreigner residing in the territory of the Republic of Poland, or
- 2) death of his parent who is a foreigner residing in the territory of the Republic of Poland, or
- 3) death of his minor child, who was given refugee status or subsidiary protection.

In the case of a temporary residence permit indicated in points I, II, III, the foreigner must satisfy the conditions of having **health insurance, stable and regular source of income** sufficient to cover the costs of living for himself and for his dependent family members and **having a place to live in the territory of the Republic of Poland** (see point 4.5). These conditions **do not apply** to a temporary residence permit for the purpose of family reunification (point I) granted to a family member of a foreigner who has been given refugee status or subsidiary protection status, when the application for this permit was **made before within 6 months from the date of obtaining refugee status or granting subsidiary protection.**

In granting a temporary residence permit for a family member of a foreigner, the requirement to have stable and regular source of income **is deemed to be satisfied also if the foreigner's living expenses will be covered by a family member obliged support him, who resides in the territory of the Republic of Poland.**

In the proceedings on granting or revocation of temporary residence permit for the purpose of family reunification, the authority takes into account:

- 1) the interest of the minor child;
- 2) the nature and stability of family ties on Polish territory;
- 3) the period of foreigner's stay on Polish territory;
- 4) the existence of family, cultural and social ties with the country of origin.

In proceedings on granting of a temporary residence permit for the purpose of family reunification (point I) to a foreigner who is the spouse of a foreigner, the body which conducts the proceedings, **determines whether the marriage was concluded in order to circumvent the Act on foreigners.**

In order to make a determination whether the marriage was concluded in order to circumvent the Act on foreigners, the body conducting the proceedings **may request the commanding officer of the Border Guard division** or the commanding officer of the Border Guard checkpoint, with jurisdiction over the foreigner's place of residence, to **conduct verification activities** referred to in Article 11(1) of the Act on foreigners (community interview, determination of the whereabouts of a spouse or other family member of a foreigner, and the person with whom the foreigner has family ties).

Article 79 of the Administrative Code does not apply in making these findings and carrying out verification activities (e.g. the foreigner does not have to be notified of the time and place of verification activities).

**NOTE:** The foreigner shall be granted a temporary residence permit for the purpose of family reunification (point I) **at the request of a foreigner residing in the territory of the Republic of Poland**, to which his family member arrives or with whom he resides in the territory of the Republic of Poland.

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#### 4.6.9. STAY ON POLISH TERRITORY OF FOREIGNERS WHO ARE VICTIMS OF TRAFFICKING.

A foreigner, in respect of whom there is a **presumption that he is a victim of trafficking in human beings**, is issued a **certificate** confirming the existence of this presumption.

A foreigner's stay on Polish territory is **considered legitimate during the period of validity of the certificate issued to him.**

The certificate is **valid for a period of three months** from the date of issue and in the case of a **minor foreigner - for a period of four months** from the date of issue.

A foreigner's stay **shall cease to be considered legal** upon noting by the minister responsible for internal affairs in the information registry that the foreigner **actively, voluntarily and on his own initiative renewed contacts with those suspected of committing the crime of human trafficking.**

Such information is transferred by authority that issued the certificate.

**The certificate is issued to the foreigner by the authority competent to conduct proceedings in relation to a crime of human trafficking.**

The authority competent to conduct proceedings in relation to the crime of human trafficking informs the foreigner in writing in a language which he understands of the rules on the legality of foreigner's stay at the time of issuing the above certificate and on the circumstances causing that foreigner's stay is no longer considered to be legal, as well as information about the authority competent to issue the certificate and the period of validity of the certificate. The authority that issued the certificate to the foreigner shall notify the minister responsible for internal affairs of that fact.

**Temporary residence permit for victims of trafficking** is granted to a foreigner if all of the following conditions are satisfied:

- 1) the foreigner resides in the territory of the Republic of Poland,
- 2) he cooperates with the authority competent to conduct proceedings in relation to the crime of human trafficking,
- 3) he severed contacts with persons suspected of committing the crime of human trafficking.

**The authority conducting the proceedings on the granting of a temporary residence permit for victims of trafficking provides the foreigner who does not speak Polish sufficiently with the possibility to use an interpreter.**

Temporary residence permit for victims of trafficking is **revoked** if:

- 1) when the purpose of the stay, which was the reason for granting the permit, is no longer applicable, or when the foreigner no longer meets the requirements for granting him a temporary residence permit due to the declared purpose of stay, especially if the foreigner **has ceased cooperation with the authority competent to conduct proceedings in relation to the crime of trafficking in human beings** or if **the procedure has been completed**, or
- 2) when it is necessary for the defence or national security or the protection of public safety and order, or
- 3) in the proceedings on granting him a temporary residence permit:
  - a) he filed an application containing false personal data or false information or attached documents which contain such data or information, or
  - b) he testified untruthfully or has concealed the truth or forged or remade a document to use it as genuine or used such a document as a genuine one.

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#### 4.6.10. PERMIT FOR TEMPORARY RESIDENCE DUE TO CIRCUMSTANCES REQUIRING SHORT-TERM RESIDENCE

Permit for temporary residence due to circumstances requiring short-term residence of a foreigner on Polish territory can be granted to a foreigner who is staying in that territory if:

- 1) he is obliged to appear in person before the Polish public authority, or
- 2) the presence of the foreigner on Polish territory is necessary due to its exceptional personal situation, or
- 3) the presence of the foreigner on Polish territory is required by the interest of the Republic of Poland.

This permit **may be granted for any period justifying the stay not exceeding 6 months.**

In addition to the general cases of revocation of the temporary residence permit (see point 4.11) applicable to this permit, the authority **revokes** the permit for temporary residence due to circumstances requiring

short-term residence when foreigner's data are in the **Schengen Information System** for the purposes of refusing entry.

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#### 4.6.11. PERMIT FOR TEMPORARY RESIDENCE DUE TO OTHER CIRCUMSTANCES

I. Permit for temporary residence due to other circumstances **is granted** if the foreigner:

1) intends as a **family member to reside in Polish territory together with the migrant worker** referred to in point 19 of Part I and Article 19 of Part II of the European Social Charter, signed at Turin on 18 October 1961 (Dz.U. of 1999, No. 8, item 67, of 2010, No. 76, item 491 and of 2011, No 168, item 1007), **or with a self-employed foreigner residing on this territory** referred to in Article 19(10) of Part II of the European Social Charter signed at Turin on 18 October 1961, or

2) is a minor child **born on the territory of the Republic of Poland of a foreigner and resides on that territory unattended**, or

3) **holds a long-term resident's EU residence permit granted by another Member State of the European Union**, and:

a) is going to work or conduct business on Polish territory under the laws in this regard in that territory, or

b) intends to take or continue studies or vocational training in the territory of the Republic of Poland, or

c) demonstrates that there are other circumstances justifying his residence on the territory of the Republic of Poland, or

4) is a **family member of a foreigner referred to in point 3**, with whom he resided on the territory of another Member State of the European Union and he accompanies him or wants to join him, or

5) has the right to work in the territory of the Republic of Poland on the principles laid down in Decision No 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on the development of the Association, with the Council appointed under the Agreement creating an association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (OJ L 217, 29.12.1964, p. 3685; Polish special edition, ch. 11, vol. 11, p. 1).

**Family member** referred to in point 1 shall be the spouse or children under the age of 21 years, dependent on the migrant worker or person engaged in an economic activity.

**A family member** of a foreigner referred to in point 3 shall be a foreigner belonging to a catalogue of family members entitled for temporary residence permit for the purpose of family reunification.

II. Permit for temporary residence due to other circumstances **can be granted** if the foreigner:

b) intends to take or continue in the territory of the Republic of Poland:

a) **education**, or

b) **vocational training**, or

2) is a **graduate of Polish university and is looking for a job on Polish territory**, or

3) is a **clergyman**, a member of a religious order or a person performing a religious function in a church or religious association, the status of which is governed by an international agreement, the provisions in force in the Republic of Poland, or which operates on the basis of registration of churches and other religious associations, and if his stay on Polish territory is related to his function or preparation for its performance, or



4) is a **victim in the criminal proceedings against the entity entrusting performance of work (employer):**

a) as a result of a crime of entrusting performance of work under particularly exploitative working conditions referred to in Article 10(1) of the Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations (Dz.U. item 769), or

b) as a minor foreigner entrusted with work during illegal residence, or

5) immediately before the application for permit was on Polish territory on the basis of permit referred to in point 4, until he received outstanding remuneration from an entity entrusting the performance of work or entity referred to in Article 6 or Article 7 of the Act of 15 June 2012 on the effects of entrusting work to foreigners residing in the territory of the Republic of Poland in violation of regulations, or

6) **his stay on Polish territory is necessary because of the need to respect the right to family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and the foreigner resides on Polish territory illegally, or**

7) **his departure from the territory of the Republic of Poland would violate the rights of the child, as defined in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 (Dz.U. of 1991, No. 120, item 526, of 2000, No. 2, item 11 and of 2013, item 677), to a degree significantly affecting the psychophysical development, and the foreigner stays on Polish territory illegally, or**

8) **showed that there are circumstances other than those specified in Section V of the Act on foreigners, relating to temporary residence permits, to justify his stay in the territory of the Republic of Poland.**

In the case of permits for temporary residence due to other circumstances specified in paragraph I point 1, 3 or 4 and in paragraph II point 1-3, 5 or 8, the foreigner should satisfy the condition for having **health insurance** (see point 4.5),

In the case of permits for temporary residence due to other circumstances specified in paragraph I, point 1, 3, or 4 and in paragraph II point 1(b), 2 or 8, the foreigner should satisfy the condition for having a **stable and regular source of income** sufficient to cover the costs of living for himself and family members dependent on him (see point 4.5). This requirement is **deemed to be satisfied** also if **foreigner's living expenses will be covered by a family member responsible for supporting him, who resides in the territory of the Republic of Poland.**

In the case of permits for temporary residence due to other circumstances specified in paragraph I point 3 or 4 and in paragraph II point 1-3, 5 or 8, the foreigner should satisfy the condition for having a place of residence in the territory of the Republic of Poland (see point 4.5),

In the case of a permit for temporary residence for the purpose of studying, the foreigner must fulfil the condition for holding **sufficient funds to cover the costs of living and return** (see point 4.5) **and the cost of tuition,**

In the case of a temporary residence permit referred to in paragraph II point 5, the foreigner should fulfil the condition for **having a place of residence in the territory of the Republic of Poland.**

The proceedings on granting temporary residence permit referred to in paragraph I point 4 shall apply the provisions of the Act on foreigners for determining **whether the foreigner's marriage was concluded in order to circumvent this act.**

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

**Temporary residence permit is granted for a period necessary to achieve the purpose of the foreigner's stay** on Polish territory, but not more than **three years**.

In the case of a permit for temporary residence:

- for the purpose of **studying** - the first permit is granted for a period of 15 months, another permit may be granted for a period of up to three years. If the purpose of residence justifies the foreigner's stay in Poland for a period shorter than one year, the first permit is granted for the duration of the academic year or studies, extended by three months. In the case of training course for studies conducted in Polish language, the permit is granted for the duration of the preparatory course, extended by three months.
- for the purpose of conducting **research** - for a period of three years. If the purpose of residence justifies the foreigner's stay in the territory of the Republic of Poland for a period less than three years, the permit for temporary residence for the purpose of conducting research is granted for the period of the research project, or for a period of research and development work in the territory of the Republic of Poland;
- **for the purpose of family reunification** - up to the day, for which temporary residence permit was granted to a foreigner, to whom he intends to arrive or arrived in order to join the family, and if the foreigner holds a permanent residence permit, the long-term resident's EU residence permit, subsidiary protection, permit to stay for humanitarian reasons or a refugee status granted in the Republic of Poland - for a period of three years,
- for a **minor child of a foreigner** who is staying in the territory of the Republic of Poland on the basis of a national visa or temporary residence permit, if the child was born during the period of validity of the national visa or temporary residence permit - up to the date of expiry of the national visa or a temporary residence permit granted to the legal representative of the child,
- for **victims of human trafficking** – for a period of at least 6 months,
- **due to circumstances requiring short-term residence** - for the period necessary to achieve the objective, due to which it was granted, no longer than 6 months
- to take up or continue **education or vocational training** - for the duration of education or vocational training, but not longer than for a period of one year
- **for a graduate of Polish university looking for work** - for a period of one year,
- **for a family member of a foreigner holding a long-term resident's EU residence permit granted by another Member State of the EU** – for the period of validity of a temporary residence permit granted for that long-term resident of EU.

#### 4.8 LEAVING THE APPLICATION WITHOUT EXAMINATION

**The application for temporary residence permit shall not be examined when:**

1. **it contains formal defects**, which the foreigner has not completed despite instructions to do so within 7 days, **that is:**
  - failure to submit the application on appropriate form,
  - failure to complete all required boxes of the application form;

- failure to provide valid travel document or in particularly justified cases, when the foreigner does not have a valid travel document and there is no possibility of obtaining it, another document confirming his identity;
- failure to attach to the application:
  - 4-current and relevant photographs;
  - information from the staroste, with jurisdiction over the principal place of work of a foreigner, about the lack of opportunities to meet staffing needs of the employer in the local market, in the case of the foreigner applying for permit for temporary residence and work or for permit for temporary residence for the purpose of work in a profession requiring high qualifications, if required;

2. The application for a temporary residence permit has not been submitted by the foreigner in person, and despite the call to appear in person within seven days, the foreigner did not show up at the office (with the exception of applications for temporary residence permit for the purpose of family reunification – see point 4.6.8 paragraph I).

#### 4.9 REFUSAL TO INITIATE PROCEEDINGS ON GRANTING TEMPORARY RESIDENCE PERMIT

The authority refuses to initiate proceedings on the granting temporary residence permit to a foreigner if:

- 1) he was granted a permanent residence permit or a long-term resident's EU residence permit, or
- 2) he resides on Polish territory on the basis of the Schengen visa authorizing only the entry into that territory, issued for arrival due to humanitarian reasons, the interest of the state or due to international obligations, or
- 3) he resides on Polish territory on the basis of a permit for temporary residence due to circumstances requiring short-term residence, or
- 4) he was granted permission for tolerated stay, permit for residence for humanitarian reasons, asylum, subsidiary protection or temporary protection or have been given refugee status in the Republic of Poland, or
- 5) he seeks refugee status or asylum, or
- 6) he is detained, placed in a guarded centre or in the arrest for foreigners or a preventive measure is applicable to him in the form of prohibition to leave the country, or
- 7) he is serving a sentence of imprisonment or detention, or
- 8) he was obliged to return and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of an extension of that period, or
- 9) he is obliged to leave the territory of the Republic of Poland in case of refusal or withdrawal of a residence permit, or in case of refusal or withdrawal of international protection, or
- 10) he stays outside the Republic of Poland, or
- 11) **when submitting application for temporary residence permit he failed to submit fingerprints in order to issue a residence card, though he was obliged to.**

Point 10 does not apply in the case of an application for temporary residence permit for the purpose of family reunification (see point 4.6.8 paragraph I).

The proceedings on the granting of temporary residence permits for victims of trafficking do not apply the grounds for refusal to initiate the procedure set out in points 2 and 4-6.

The proceedings on granting of permit for temporary residence due to circumstances requiring short-term residence do not apply the grounds for refusal to initiate proceedings listed in points 2, 3 and 6-8.

#### 4.10 REFUSAL TO GRANT TEMPORARY RESIDENCE PERMIT

**A foreigner shall be refused a temporary residence permit if:**

- 1) he does not meet the requirements for granting him a temporary residence permit due to the declared purpose of stay or circumstances that are the basis for applying for this permit do not justify his stay on Polish territory for a period longer than three months, or
- 2) foreigner's data are entered into the register of foreigners whose residence in the territory of the Republic of Poland is undesirable, or
- 3) his data are in the Schengen Information System for the purposes of refusing entry, or
- 4) 2) when it is necessary for the defence or national security or the protection of public safety and order, or
- 5) 3) in the proceedings on granting him a temporary residence permit:
  - a) he filed an application containing false personal data or false information or attached documents which contain such data or information, or
  - b) he testified untruthfully or has concealed the truth or forged or remade a document to use it as genuine or used such a document as a genuine one.
- 6) he is in arrears in the payment of taxes, except in cases where he obtained an exemption, deferral, division of overdue amounts into instalments or stopping the execution of the decision of the competent authority, or
- 7) he did not pay the costs associated with the issuance and execution of the decision obliging the foreigner to return, which were covered by the state budget, or
- 8) subject to compulsory treatment under Article 40(1) of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans, he does not consent to this treatment, or
- 9) he filed the application during illegal stay on the territory of the Republic of Poland or stays in that territory illegally.

A foreigner who has been granted a temporary residence permit **notifies the voivode, who gave that permit, within 15 working days, of the termination of the cause for granting the permit.** A foreigner may be refused further temporary residence permit in the event of failure to comply with the above requirement, if the application for the next temporary residence permit was filed within one year from the expiry of the previous permit.

If the foreigner's data are in the **Schengen Information System for the purposes of refusing entry** (point 3), a temporary residence permit **may be granted only if there are serious reasons** for doing so, especially for

humanitarian reasons or because of international obligations, taking into account the interests of the state which issued an alert to the Schengen Information System.

The proceedings on granting permit for temporary residence **for the purpose of work in a profession requiring high qualifications**, for the purpose of studying, for the purpose of conducting **research**, for the purpose of **family reunification** (referred to in point 4.6.8 paragraph I) do not apply the grounds for refusal to grant permit referred to in points 6 and 7.

The grounds for refusal to grant permit for temporary residence **for the purpose of work for a foreigner posted** by foreign employer to the Republic of Poland, mentioned in point 9, do not apply to a foreigner temporarily posted to provide services on the Polish territory by an employer established in another Member State of the European Union, Member State of the European Free Trade Association (EFTA) - party to the Agreement on the European Economic Area or the Swiss Confederation, entitled to stay and work in the territory of that State.

The proceedings on granting temporary residence permit **for a family member of a Polish citizen - in the case of a foreigner married to a citizen of the Republic of Poland** or temporary residence permit for the purpose of **family reunification - in the case of a foreigner married to a foreigner** (referred to in point 4.6.8 paragraph I) do not apply the grounds for refusal of permit referred to in points 6-9.

The proceedings on granting **temporary residence permit for a family member of a Polish citizen** or temporary residence permit for the **purpose of family reunification** do not apply the grounds for refusal of permit referred to in point 8, if the foreigner applies for subsequent permit.

The proceedings on granting temporary residence permit for a family member of a Polish citizen - **minor child of a foreigner married to a citizen of Poland** and having a temporary residence permit for a family member of a Polish citizen or temporary residence permit for a **minor child of a foreigner**, who stays on the territory of the Republic of Poland on the basis of **a national visa or a temporary residence permit**, if the child **was born during the period of validity** of the national visa or the temporary residence permit, do not apply the grounds for refusal of permit referred to in point 9, if the sole reason for refusal would be illegal stay of the foreigner on the territory of the Republic of Poland.

The proceedings on granting temporary residence permit for **victims of trafficking** do not apply the grounds for refusal of permit referred to in points 2,3 and 6-9.

The proceedings on granting permit for temporary residence due to **circumstances requiring short-term residence** do not apply the grounds for refusal of permit referred to in point 2 and 6-9.

Refusal to grant permit for temporary residence due to **other circumstances** does not apply the grounds for refusal of permit referred to in:

- point 9, in the case of a permit for a **minor child born in the territory of the Republic of Poland, residing in this territory unattended** and permit for the **victim in the criminal proceedings against the entity entrusting performance of work**;
- point 8 in the case of permit for the **holder of the long-term resident's EU residence permit granted by another Member State of the European Union or permit for his family member**, if the foreigner is applying for another permit;

- point 6 and 7, in the case of permit for the **holder of the long-term resident's EU residence permit granted by another Member State of the European Union or permit for his family member;**

- point 2, 3 and 6-9 in cases of permits granted to a foreigner:

5) with the right to work in the territory of the Republic of Poland on the principles laid down in Decision No 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on the development of the Association, with the Council appointed under the Agreement creating an association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (OJ L 217, 29.12.1964, p. 3685; Polish special edition, ch. 11, vol. 11, p. 1);

b) if his stay on Polish territory is necessary because of the need to respect the right to **family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms**, signed in Rome on 4 November 1950, and the foreigner resides on Polish territory **illegally**, or

7) if his departure from the territory of the Republic of Poland would violate the **rights of the child, as defined in the Convention on the Rights of the Child**, adopted by the United Nations General Assembly on 20 November 1989 (Dz.U. of 1991, No. 120, item 526, of 2000, No. 2, item 11 and of 2013, item 677), **to a degree significantly affecting the psychophysical development, and the foreigner stays on Polish territory illegally.**

A foreigner who came of **age during his stay** on Polish territory and made an application for permit for temporary residence due to **other circumstances within one year from the date on which he has come of age**, cannot be refused the permit if it is in particularly important interest of the foreigner and the **sole basis for refusal would be his illegal stay** on the territory of the Republic of Poland.

#### 4.11 REVOCATION OF TEMPORARY RESIDENCE PERMIT

**The authority revokes the temporary residence permit of the foreigner if:**

- 1) the purpose of stay, which was the reason for granting a temporary residence permit, is no longer applicable, or
- 2) he has ceased to meet the requirements for granting him a temporary residence permit due to the declared purpose of residence, or
- 3) foreigner's data are entered into the register of foreigners whose residence in the territory of the Republic of Poland is undesirable, or
- 4) when it is necessary for the defence or national security or the protection of public safety and order, or
- 5) in the proceedings on granting him a temporary residence permit:
  - a) he filed an application containing false personal data or false information or attached documents which contain such data or information, or
  - b) he testified untruthfully or has concealed the truth or forged or remade a document to use it as genuine or used such a document as a genuine one.

- 6) he is in arrears with the payment of taxes, except in cases where he obtained an exemption, deferral, division of overdue amounts into instalments or stopping the execution of the decision of the competent authority, or
- 7) he did not pay the costs associated with the issuance and execution of the decision obliging the foreigner to return, which were covered by the state budget, or
- 8) subject to compulsory treatment under Article 40(1) of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans, he does not consent to this treatment,

Temporary residence permit for a family member of a Polish citizen granted to a foreigner **married to a citizen of the Republic of Poland** or permit for the purpose of family reunification granted to a foreigner **married with a foreigner who has been granted a permanent residence permit or a long-term resident's EU residence permit** on Polish territory **is not revoked** for reasons referred to in paragraphs 6-8.

Temporary residence permit for victims of trafficking **is not revoked** for reasons referred to in paragraph 3 and 6-8.

Temporary residence permit for the **holder of the long-term resident's EU residence permit granted by another Member State of the European Union** or temporary residence permit for **member of his family** is not revoked for reason referred to in point 8.

Temporary residence permit granted to a foreigner:

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

b) with the right to work in the territory of the Republic of Poland on the principles laid down in Decision No 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on the development of the Association, with the Council appointed under the Agreement creating an association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (OJ L 217, 29.12.1964, p. 3685; Polish special edition, ch. 11, vol. 11, p. 1);

c) if his stay on Polish territory is necessary because of the need to respect the **right to family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms**, signed in Rome on 4 November 1950, and the foreigner resides on Polish territory **illegally**, or

d) if his departure from the territory of the Republic of Poland would violate the **rights of the child, as defined in the Convention on the Rights of the Child**, adopted by the United Nations General Assembly on 20 November 1989 (Dz.U. of 1991, No. 120, item 526, of 2000, No. 2, item 11 and of 2013, item 677), **to a degree significantly affecting the psychophysical development, and the foreigner stays on Polish territory illegally**.

**-is not revoked** for reasons referred to in points 2, 3 and 6-8.

**Permanent residence permit can be granted to a foreigner who:**

- 1) is the **child of the foreigner** who has been granted a permanent residence permit or a long-term resident's EU residence permit, and is under his parental authority:
  - a) was born after this foreigner was granted a permanent residence permit or a long-term resident's EU residence permit, or
  - b) was born during the period of validity of the temporary residence permit granted to that foreigner, or
- 2) is a **child of a Polish citizen** remaining under his parental authority, or
- 3) is a **person of Polish origin** intending to settle on Polish territory on a permanent basis, or
- 4) has been **married** to a Polish citizen for at least **three years** before the date on which he applied for a permanent residence permit, and immediately prior to the application he resided continuously on the territory of the Republic of Poland for a period of not less than **two years** on the basis of a temporary residence permit granted in connection with being married to a Polish citizen, or in connection with obtaining refugee status, subsidiary protection or permission to stay for humanitarian reasons, or
- 5) is a **victim of trafficking in human beings** within Article 115(22) of the Penal Code and:
  - a) stayed on Polish territory immediately before applying for permanent residence permit for not less than one year on the basis of a temporary residence permit for victims of trafficking,
  - b) cooperated with law enforcement authorities in criminal proceedings relating to a crime referred to in Article 189a point 1 of the Criminal Code,
  - c) has well-founded concerns about the return to the country of origin, confirmed by the prosecutor investigating the crime of human trafficking, or
- 6) immediately before applying for a permanent residence permit he resided continuously on the territory of the Republic of Poland for a period of **not less than five years** on the basis of **refugee status, subsidiary protection or permit to stay for humanitarian reasons**, or
- 7) prior to applying for a residence permit he resided continuously on the territory of the Republic of Poland for a period of not less than **10 years** on the basis of **tolerated stay permit** granted pursuant to Article 351(1) or (3) of the Act on foreigners, or
- 8) he was granted **asylum** on the territory of the Republic of Poland, or
- 9) he has a **valid Card of the Pole** and intends to settle on Polish territory permanently.

**Determination of the Polish origin** of a person is done under provisions of Article 5 paragraphs 1-3 of the Act of 9 November 2000 on repatriation (Dz.U. of 2004, No. 53, item 532, as amended).

In proceedings on granting permanent residence permit to a foreigner who is the spouse of a Polish citizen, the body which conducts the proceedings **determines whether the marriage was concluded in order to circumvent this act.**

In order to make a determination whether the marriage was concluded in order to circumvent the Act on foreigners, the body conducting the proceedings **may request the commanding officer of the Border Guard division** or the commanding officer of the Border Guard checkpoint, with jurisdiction over the foreigner's place of residence, **to conduct verification activities** referred to in Article 11(1) of the Act on



foreigners (community interview, determination of the whereabouts of a spouse or other family member of a foreigner, and the person with whom the foreigner has family ties).

Article 79 of the Administrative Code does not apply in making these findings and carrying out verification activities (e.g. the foreigner does not have to be notified of the time and place of verification activities).

### 5.1 DECISION ISSUING AUTHORITY

The decision on granting a permanent residence permit is issued by the **voivode** competent for the place of residence of the foreigner. The application for permanent residence permit shall be made on the form.

### 5.2 REQUIREMENT OF UNINTERRUPTED RESIDENCE - JUSTIFIED INTERRUPTIONS

The stay on Polish territory is considered **uninterrupted** if interruptions were **not longer than 6 months and all the interruptions do not exceed a total of 10 months**, unless the interruption was caused by:

- 1) performance of professional duties or the provision of work outside Polish territory under a contract with an employer whose registered office is located on Polish territory, or
- 2) accompanying a foreigner referred to in paragraph 1, by his spouse or minor child, or
- 3) special personal situation requiring the presence of the foreigner outside the territory of the Republic of Poland and lasting no longer than six months, or
- 4) leaving Polish territory in order to pursue internship or participate in the activities provided for in the course of studies at Polish universities.

### 5.3 DOCUMENTS

The foreigner is obliged to:

- present a valid **travel document**. In particularly justified cases, when the foreigner does not have a valid travel document and is unable to obtain it, he can submit other **evidence of identity**.
- submit a **completed application form** and attach to the application:
  - **4 recent photographs** - intact, in colour, measuring 35 x 45 mm, made in the past 6 months, against a light background, having good focus, clearly showing the eyes and face from the top of the head to the top of the shoulders, so that the face occupies 70-80% of the photo; photograph should show the person without a hat and dark glasses, looking straight ahead with eyes open, not covered by hair, with a natural facial expression and mouth closed;  
**Note: A foreigner wearing a head covering in accordance with the principles of his religion can attach to the application a photograph showing him wearing head covering, if the image of the face is fully visible. In this case, the application shall be accompanied by a foreigner's statement on belonging to a religious community.**
  - **Note - lack of any of these documents is the formal defect 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 included in the application and circumstances justifying application for permanent residence permit.
- **proof of payment of stamp duty;**

#### 5.4 ADDITIONAL REQUIREMENTS FOR THE APPLICATION

The foreigner should submit the application for granting temporary residence permit **in person**, no later than **on the last day of his legal residence** in the territory of the Republic of Poland.

If the application for granting permit has not been submitted by the foreigner in person (e.g. was sent by mail), **the voivode calls him to appear in person** within 7 days under pain of leaving the application without consideration.

In the case of a foreigner who is:

- 1) **a minor** – application for granting permanent residence permit is made 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 granting permanent residence permit is made by a guardian appointed by the court;
- 3) **an unaccompanied minor** – application for granting permanent residence permit is made by a guardian.

When submitting an application for permit for a foreigner who is a minor **over 6 years old, his presence is required.**

The requirement to submit an application for a permanent residence permit **in person**, no later than **on the last day of his legal residence** on Polish territory does not apply to a minor child of a foreigner who has been granted a permanent residence permit or a long-term resident's EU residence permit and to a child of a Polish citizen, which remains under the parental authority of the citizen.

**When applying for a permanent residence permit, the foreigner should submit fingerprints in order to issue a residence card.**

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

- **who are under six years of age, or**
- from whom taking fingerprints **is physically impossible.**

**If the foreigner fails to submit fingerprints in order to issue a residence card, although he is obliged to, the authority refuses to initiate proceedings for granting permit.**

Data in the form of fingerprints taken in order to issue the residence card **shall be kept in an appropriate register until receipt of the residence card is entered in this register by the issuing authority.**

In the case of a **decision to refuse** granting permanent residence permit or a decision to refuse to issue or replace the residence card, the data in the form of fingerprints are stored in the register **until information about these decisions is entered in the register**, when these decisions have become final.

If the foreigner filed an application at the time of lawful residence in the territory of the Republic of Poland and the application has no formal defects or these defects have been corrected on time, the voivode puts a **stamp** in the foreigner's travel document which confirms the submission of an application for a permanent residence permit. 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 the foreigner is considered to be legal from the date of submission of the application to the date on which the decision in this case becomes final.**

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

**NOTE: A stamp in the travel document does not entitle a foreigner to travel to other Schengen states, but the foreigner can go to the country of origin.**

## 5.5 LEAVING THE APPLICATION WITHOUT EXAMINATION

**The application for permanent residence permit shall not be examined when: :**

- **it contains formal defects, which the foreigner has not completed despite instructions to do so within 7 days, that is:**
  - failure to submit the application on appropriate form;
    - failure to complete all required boxes of the application form;
    - failure to provide valid travel document or in particularly justified cases, when the foreigner does not have a valid travel document and there is no possibility of obtaining it, another document confirming his identity;
    - failure to attach 4 current and relevant photographs to the application;
- the application was not submitted by the foreigner in person, if it was required by the provisions, and despite the call to appear in person within seven days, the foreigner did not show up at the office.

## 5.6 REFUSAL TO INITIATE PROCEEDINGS ON GRANTING PERMANENT RESIDENCE PERMIT

The authority refuses to initiate proceedings on granting a permanent residence permit if the foreigner:

- 1) 1) resides in the territory of the Republic of Poland:
  - a) illegally, or
  - b) on the basis of the Schengen visa authorizing only the entry to the territory of the Republic of Poland and stay on that territory, issued for arrival due to humanitarian reasons, the interest of the state or due to international obligations, or
  - c) on the basis of a permit for temporary residence due to circumstances requiring short-term residence, or
  - d) on the basis of a long-term resident's EU residence permit, or

- 2) he is detained, placed in a guarded centre or in the arrest for foreigners or a preventive measure is applicable to him in the form of prohibition to leave the country, or
- 3) he is serving a sentence of imprisonment or detention, or
- 4) he was obliged to return and the period of voluntary return specified in the decision in this case has not yet expired, also in the case of an extension of that period, or
- 5) he is obliged to leave the territory of the Republic of Poland in case of refusal or withdrawal of a residence permit, or in case of refusal or withdrawal of international protection, or
- 6) he stays outside the Republic of Poland, or
- 7) he failed to submit fingerprints in order to issue a residence card, though he was obliged to.

Points 1-5 do not apply to a foreigner who has been granted asylum in the Republic of Poland.

Point 1(a) does not apply to a minor child born in the territory of the Republic of Poland of a foreigner who has been granted a permanent residence permit or a long-term resident's EU residence permit and to a child of a Polish citizen, which remains under the parental authority of the citizen. Point 1(c) does not apply to foreigners of Polish origin and intending to settle on Polish territory permanently.

## 5.7 REFUSAL TO GRANT PERMANENT RESIDENCE PERMIT

### **A foreigner shall be refused a permanent residence permit if:**

- 1) he does not meet the requirements for permanent residence permit, or
- 2) foreigner's data are entered into the register of foreigners whose residence in the territory of the Republic of Poland is undesirable, or
- 3) his data are in the Schengen Information System for the purposes of refusing entry, or
- 4) when it is necessary for the defence or national security or the protection of public safety and order, or
- 5) it is in the interest of the Republic of Poland, or
- 6) the basis for applying for a permit is marriage with a Polish citizen and the marriage was concluded in order to circumvent this Act, or
- 7) in the proceedings on granting him this permit:
  - a) he filed an application for permit containing false personal data or false information or attached documents which contain such data or information, or
  - b) he testified untruthfully or has concealed the truth or forged or remade a document to use it as genuine or used such a document as a genuine one.
- 8) he is in arrears with the payment of taxes, except in cases where he obtained an exemption, deferral, division of overdue amounts into instalments or stopping the execution of the decision of the competent authority, or
- 9) he did not pay the costs associated with the issuance and execution of the decision obliging the foreigner to return, which were covered by the state budget.

If the foreigner's data are in the **Schengen Information System for the purposes of refusing entry**, a permanent residence permit may be granted **only if there are serious reasons for doing so**, especially for

humanitarian reasons or because of international obligations, taking into account the interests of the state which issued an alert to the Schengen Information System.

A permanent residence permit is refused to a foreigner of Polish origin intending to settle in the territory of the Republic of Poland in the cases referred to in points 1, 4 or 7.

#### 5.8 REVOCATION OF PERMANENT RESIDENCE PERMIT

**The authority revokes the permanent residence permit of the foreigner if:**

- 1) it is necessary for the defence or national security or the protection of public safety and order, or
- 2) it is in the interest of the Republic of Poland, or
- 3) in the proceedings on granting him this permit:
  - a) he filed an application for permit containing false personal data or false information or attached documents which contain such data or information, or
  - b) he testified untruthfully or has concealed the truth or forged or remade a document to use it as genuine or used such a document as a genuine one.
- 4) he was convicted in the Republic of Poland for intentional offence to a penalty of at least 3 years' imprisonment, or
- 5) left Polish territory for a period exceeding six years.

A permanent residence permit granted to a foreigner of Polish origin intending to settle in the territory of the Republic of Poland is revoked in cases referred to in points 1, 3 or 5.

Permanent residence permit granted to a foreigner with asylum is revoked if he is deprived of asylum in the Republic of Poland.

A permanent residence permit, whose basis was the marriage with a Polish citizen, **can be revoked**, if the foreigner divorced **within two years from the date on which he was granted a permanent residence permit**.

#### 5.8 PERIOD FOR WHICH PERMANENT RESIDENCE PERMIT IS GRANTED

Permanent residence permit is granted for an **indefinite period**.

The document confirming the permanent residence permit is a **residence card issued for 10 years**.

A permanent residence permit shall expire by operation of law on the date the foreigner is granted long-term resident's EU residence permit or the Polish citizenship.

The long-term resident's EU residence permit is granted to a foreigner if he stays on Polish territory **legally and continuously for at least five years** immediately before the application and satisfies the following conditions:

- 1) has **stable and regular source of income** sufficient to cover the costs of living for himself and for dependent family members;
- 2) has **health insurance** within the meaning of the Act of 27 August 2004 on health care services financed from public funds, or confirmation of coverage by the insurer of the cost of treatment in the territory of the Republic of Poland.

In examining whether the foreigner satisfies the requirement referred to in paragraph 1, the body will assess the income of the foreigner in the last 3 years before the application, and in the case of foreigners with permit for temporary residence for the purpose of work in a profession requiring high qualifications – for the last 2 years of residence in Poland, if they previously resided in another EU Member State on the basis of the "EU Blue Card" issued in connection with the granting by the State of permit for temporary residence for the purpose of work in a profession requiring high qualifications. The EU Blue Card - the last 2 years of residence in Poland.

### 6.1 DECISION ISSUING AUTHORITY

The decision on granting a long-term resident's EU residence permit is issued by the **voivode** competent for the place of residence of the foreigner. The application for long-term resident's EU residence permit shall be made on the form.

### 6.2 DOCUMENTS

The foreigner is obliged to:

- present a valid **travel document**. In particularly justified cases, when the foreigner does not have a valid travel document and is unable to obtain it, he can submit other evidence of identity.
- submit a **completed application form** and attach to the application:
  - **4 recent photographs** - intact, in colour, measuring 35 x 45 mm, made in the past 6 months, against a light background, having good focus, clearly showing the eyes and face from the top of the head to the top of the shoulders, so that the face occupies 70-80% of the photo; photograph should show the person without a hat and dark glasses, looking straight ahead with eyes open, not covered by hair, with a natural facial expression and mouth closed;  
**Note: A foreigner wearing a head covering in accordance with the principles of his religion can attach to the application a photograph showing him wearing head covering, if the image of the face is fully visible. In this case, the application shall be accompanied by a foreigner's statement on belonging to a religious community.**
  - **legal title to occupy a dwelling** in which the foreigner resides or intends to reside. **A legal title to occupy a dwelling in which the foreigner resides or intends to reside, is not a contract of lending the premises**, unless the lessor is his descendant, ascendant or spouse, spouse's parents or siblings of the foreigner.

- **Note - lack of any of these documents is the formal defect 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 included in the application** and circumstances justifying the application for long-term resident's EU residence permit.
- **evidence of health insurance** within the meaning of the Act of 27 August 2004 on health care services financed from public funds, or confirmation of coverage by the insurer of the cost of treatment in the territory of the Republic of Poland.
- **evidence of stable and regular source of income** sufficient to cover the costs of living for himself and for dependent family members; 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 (Dz.U. of 2013, item 182, as amended 18), with respect to the foreigner and each family member dependent on him. (should exceed PLN 456 for people in the family or PLN 542 for single people)
- **proof of payment of stamp duty**

### 6.3 ADDITIONAL REQUIREMENTS FOR THE APPLICATION

The foreigner should submit the application for long-term resident's EU residence permit **in person**, no later than **on the last day of his legal residence** in the territory of the Republic of Poland. If the application for permit has not been submitted by the foreigner in person, the **voivode calls him to appear in person** within 7 days under pain of leaving the application without consideration.

In the case of a foreigner who is:

- 1) **a minor** – application for granting the permit is made 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 the permit is made by a guardian appointed by the court;
- 3) **an unaccompanied minor** – application for the permit is made by a guardian.

When submitting an application for permit for a foreigner who is a minor **over 6 years old, his presence is required.**

**When applying for long-term resident's EU residence permit, the foreigner should submit fingerprints in order to issue a residence card.**

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

- **who are under six years of age, or**
- from whom taking fingerprints **is physically impossible.**

**If the foreigner fails to submit fingerprints in order to issue a residence card, although he is obliged to, the authority refuses to initiate proceedings for granting permit.**

Data in the form of fingerprints taken in order to issue the residence card **shall be kept in an appropriate register until receipt of the residence card is entered in this register by the issuing authority.**

In the case of a decision to **refuse** a long-term resident's EU residence permit or a decision to refuse to issue or replace the residence card, the data in the form of fingerprints are stored in the register **until information about these decisions is entered in the register**, when these decisions have become final.

If the foreigner filed an application at the time of lawful residence in the territory of the Republic of Poland and the application has no formal defects or these defects have been corrected on time, the voivode puts a **stamp** in the foreigner's travel document which confirms the submission of an application for a long-term resident's EU residence permit. 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 the foreigner is considered to be legal from the date of submission of the application to the date on which the decision in this case becomes final.**

If the **proceedings** on granting long-term resident's EU residence permit are **suspended at the request of the foreigner**, his **stay** at that time **will not be** considered **legal**.

**NOTE: A stamp in the travel document does not entitle a foreigner to travel to other Schengen states, but the foreigner can go to the country of origin.**

#### 6.4 LEAVING THE APPLICATION WITHOUT EXAMINATION

**The application for long-term resident's EU residence permit shall not be examined when:**

- **it contains formal defects, which the foreigner has not completed despite instructions to do so within 7 days, that is:**
  - failure to submit the application on appropriate form;
  - failure to complete all required boxes of the application form;
  - failure to provide valid travel document or in particularly justified cases, when the foreigner does not have a valid travel document and there is no possibility of obtaining it, another document confirming his identity;
  - failure to attach to the application:
    - a. 4-current and relevant photographs;
    - b. the legal title to occupy the dwelling.
- 2. the application was not submitted by the foreigner in person, and despite the call to appear in person within seven days, the foreigner did not show up at the office.

#### 6.5 REFUSAL TO INITIATE PROCEEDINGS FOR GRANTING OF A LONG-TERM RESIDENT'S EU RESIDENCE PERMIT

The authority refuses to initiate proceedings on granting a long-term resident's EU residence permit if the foreigner:

1) resides in the territory of the Republic of Poland:

a) illegally, or

b) on the basis of the Schengen visa authorizing only the entry to the territory of the Republic of Poland and stay on that territory, issued for arrival due to humanitarian reasons, the interest of the state or due to international obligations, or



- c) in order to pursue studies or vocational training, or
  - d) in connection with the intention to take or continue studies on the territory of the Republic of Poland, or
  - e) in connection with obtaining residence permit on humanitarian grounds, a tolerated stay permit, asylum or temporary protection, or
  - f) in connection with applying for refugee status or asylum, or
  - g) on the basis of a permit for temporary residence due to circumstances requiring short-term residence, or
  - h) on the basis of permit to cross the border under the local border traffic, or
- 2) is an employee delegated by the provider for the cross-border provision of services or a provider of cross-border services, or
  - 3) he is detained, placed in a guarded centre or in the arrest for foreigners or a preventive measure is applicable to him in the form of prohibition to leave the country, or
  - 4) he is serving a sentence of imprisonment or detention, or
  - 5) he was obliged to return and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of an extension of that period, or
  - 6) he is obliged to leave the territory of the Republic of Poland in case of refusal or withdrawal of a residence permit, or in case of refusal or withdrawal of international protection, or
  - 7) he stays outside the Republic of Poland, or
  - 8) he failed to submit fingerprints in order to issue a residence card, though he was obliged to.

#### 6.6 REQUIREMENT OF A 5-YEAR PERIOD OF LEGAL AND CONTINUOUS RESIDENCE

The 5-year period of residence in the territory of the Republic of Poland **includes**:

- 1) total period of lawful residence in the territory of the European Union, if the foreigner resided legally and continuously within this territory for at least five years on the basis of a residence permit issued by the Member State of the European Union with the mark "EU Blue Card", including the territory of the Republic of Poland – for at least two years immediately before the application for a long-term resident's EU residence permit on the basis of permit for temporary residence for the purpose of work in a profession requiring high qualifications;
- 2) the whole period of residence in the territory of the Republic of Poland in the course of proceedings for the refugee status, if it exceeded 18 months;
- 3) half of the period of residence in the territory of the Republic of Poland - in the case of a foreigner residing in the territory of the Republic of Poland:
  - a) on the basis of a visa issued for the purpose of study or vocational training, or
  - b) on the basis of a permit for temporary residence for the purpose of studying or vocational training, or
  - c) in the course of the proceedings on the granting of refugee status.

The 5-year period of residence in the territory of the Republic of Poland does not include residence of a foreigner:

- 1) who is an employee delegated by the provider for the cross-border provision of services or a provider of cross-border services;
- b) who resides in the territory of the Republic of Poland on the basis of the Schengen visa authorizing only the entry to the territory of the Republic of Poland and stay on that territory, issued for arrival due to humanitarian reasons, the interest of the state or due to international obligations, or
- 3) during the period of his studies in the Republic of Poland;
- 4) who was obliged to return and the period of voluntary return specified in the decision in this case has not yet expired, also in the case of an extension of that period;
- 5) who is obliged to leave the territory of the Republic of Poland in case of refusal or withdrawal of a residence permit, or in case of refusal or withdrawal of international protection, or
- 6) who is a member of a diplomatic mission or consular post of a foreign country or another person treated equally under the laws, international agreements and generally recognized international customs;
- 7) on the basis of a permit for temporary residence due to circumstances requiring short-term residence, or
- 8) in the course of the proceedings on granting the refugee status, if those proceedings were concluded with a refusal to grant the refugee status or subsidiary protection;
- 9) on the basis of permit to cross the border under the local border traffic.

A foreigner's residence as a basis for granting him a long-term resident's EU residence permit is considered to be continuous if no interruption:

- 1) was longer than 6 months and all interruptions do not exceed a total of 10 months in a 5-year period - in the case of foreigner's residence on Polish territory;
- 2) was longer than 12 months and all interruptions do not exceed a total of 18 months - in the case of residence in the territory of another Member State of the European Union of a foreigner holding a permit for temporary residence for the purpose of work in a profession requiring high qualifications.

Interruption of residence may be longer if it was caused by:

- 1) performance of professional duties or the provision of work outside Polish territory under a contract with an employer whose registered office is located on Polish territory, or
- 2) accompanying a foreigner referred to in paragraph 1, by his spouse or minor child, or
- 3) special personal situation requiring the presence of the foreigner outside the territory of the Republic of Poland and lasting no longer than six months, or
- 4) leaving Polish territory in order to pursue internship or participate in the activities provided for in the course of studies at Polish universities.

#### 6.7 REQUIREMENT OF UNINTERRUPTED RESIDENCE - JUSTIFIED INTERRUPTIONS

A foreigner's residence as a basis for granting him a long-term resident's EU residence permit is considered to be **continuous** if no interruption:

- 1) was longer than **6 months** and all interruptions do not exceed a total of **10 months** in the case of foreigner's residence on Polish territory;

- 2) was longer than **12 months** and all interruptions do not exceed a total of **18 months** - in the case of residence in the territory of another Member State of the European Union of a foreigner holding a permit for temporary residence for the purpose of work in a profession requiring high qualifications.

The above provisions **shall not apply** if the interruption was caused by:

- 1) **performance of professional duties** or the provision of work outside Polish territory under a contract with an employer whose registered office is located on Polish territory, or
- 2) accompanying a foreigner referred to in paragraph 1, by his **spouse or minor child**, or
- 3) **special personal situation** requiring the presence of the foreigner outside the territory of the Republic of Poland and lasting no longer than **six months**, or
- 4) leaving Polish territory in order to **pursue internship** or **participate in the activities** provided for in the course of studies at Polish universities.

#### 6.8 REFUSAL OF LONG-TERM RESIDENT'S EU RESIDENCE PERMIT

**A foreigner shall be refused a long-term resident's EU residence permit if:**

1. he does not meet the requirements to grant the permit;
2. it is necessary for the **defence or national security** or the protection of public safety and order.

#### 6.9 REVOCATION OF LONG-TERM RESIDENT'S EU RESIDENCE PERMIT

**The long-term resident's EU residence permit is revoked, if:**

1. **acquisition** of the long-term resident's EU residence permit **took place in an unlawful manner**;
2. the foreigner represents a real and serious **threat** to national defence or national security or to the safety and public order;
3. **the foreigner left Polish territory** for a period exceeding **six years**;
4. **the foreigner left the territory of the European Union** for a period of consecutive
  - a. **12 months** or
  - b. **24 months**, if he had a permit for temporary residence for the purpose of work in a profession requiring high qualifications or is a family member of a foreigner who had such a permit;
5. **the foreigner obtained long-term resident's EU residence permit in the territory of** another Member State of the European Union
6. the foreigner has been **deprived of the status of refugee** or **subsidiary protection** if the long-term resident's EU residence permit had been granted in connection with the stay in that territory on the basis of the refugee status or subsidiary protection.

The proceedings for the revocation of a long-term resident's EU residence permit because of the threat to national defence or national security or the public order and safety, take into account:

- 1) the period of foreigner's stay on Polish territory;
- 2) the age of the foreigner;
- 3) foreigner's ties with the Republic of Poland or absence of ties to the country of origin;

4) the effects of the revocation of permit for the foreigner and his family.

#### 6.10 PERIOD FOR WHICH THE LONG-TERM RESIDENT'S EU RESIDENCE PERMIT IS GRANTED

The long-term resident's EU residence permit is granted for an **indefinite** period.

The document confirming the long-term resident's EU residence permit is the **residence card issued for 5 years**.

Upon obtaining the long-term resident's EU residence permit, the foreigner's permit to settle expires by operation of law.

The long-term resident's EU residence permit expires by operation of law on the date of granting Polish citizenship.

## 7.1 GENERAL INFORMATION

**The foreigner who obtained:**

- **temporary residence permit**
  - **permanent residence permit**
  - **long-term resident's EU residence permit**
- is issued a residence card.**

A residence card, during the period of its validity, confirms the identity of the foreigner during his stay on Polish territory and authorises, along with a travel document, to multiple crossing of the Polish border without having to obtain a visa.

In case of lack of registration for a temporary stay lasting more than two months, the card shall have no details of the address.

The voivode takes **fingerprints** from the foreigner applying for

- 1) the first or any subsequent residence card
- 2) residence card replacement.

If the foreigner **has not submitted fingerprints** for issue or exchange of the residence permit, the authority **refuses to initiate proceedings** in this case.

**Fingerprints are collected only for the purpose of inclusion in the residence card.**

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

In the case of a **decision to refuse** granting permit for temporary stay, permit for permanent stay or EC long-term resident stay permit or the decision to refuse to issue or replace the residence card, the data in the form of fingerprints are stored in the registers **until information about these decisions is entered in the registers**, when these decisions have become final.

The foreigner is obliged to collect the residence card **in person**, and in the case of a minor under 13 years of age – it is collected by a legal representative or guardian. The foreigner collecting the residence card is given an electronic reader to verify that the personal information contained in the card is consistent with the facts.

If the **residence card** was issued to an unauthorized person, the issuing authority **concludes, by decision, that it is invalid.**

The residence card is **invalidated** on the principles laid down in Article 250 and 251 of the Act on foreigners, among others, in the case of **acquisition by a foreigner of Polish citizenship** – on the day of the deadline to return the card, the **loss or damage** – on the date of notification of loss or damage to the competent authority or **if the foreigner does not return it** when a decision was issued on the invalidation of the residence card, on revoking the residence permit, in connection with which the card was issued, or

in the event of termination by operation of law of the decision on granting a residence permit – on the date on which the decision has become final or has expired.

## 7.2 ISSUE OF THE RESIDENCE CARD

The residence card is issued by the voivode, who granted the temporary residence permit, the permanent residence permit or the long-term resident's EU residence permit.

The residence card is issued *ex officio* in case of granting a temporary residence permit, with the exception of a temporary residence permit for the purpose of family reunification (see pint 4.6.8 paragraph I).

Following the granting of temporary residence permit for the purpose of family reunification, the residence card is issued at the request of the foreigner who has been granted this permit.

The first residence card for the granting of a permanent residence permit or a long-term resident's EU residence permit is issued *ex officio*. Any other residence card is issued at the request of the foreigner.

The application for issue of **another residence card issued in connection with the granting of a permanent residence permit or a long-term resident's EU residence permit** should be submitted at least **30 days** before the expiry of the residence card. The residence card is issued by the voivode relevant for the place of foreigner's residence.

**The fee for issue or replacement of a residence card is PLN 50.**

**The fee must be paid to the account of the relevant voivode before issuing the residence card.**

**The application** for the card is made on a **form**. A foreigner applying for a residence card is required to **present a valid travel document and attach to the application:**

- 1) **2 recent photographs**, taken in the appropriate format;
- 2) **documents necessary to confirm the data** and circumstances included in the application.

In particularly justified cases, if the foreigner applying for issue of the residence card does not possess and is not able to obtain a valid travel document, he may present **other document confirming his identity**.

**Fees are not collected:**

- when issued or replaced document contains technical defects, and
- in case of replacement of a residence card because of the acquisition by the Republic of Poland of international responsibility to protect the holder of the residence card issued in connection with the granting of a long-term resident's EU residence permit with mark: "international protection granted by ...", or due to acquisition by another Member State of the European Union of responsibility for international protection of the holder of a residence card issued in connection with the granting of long-term resident's EU residence permit.

**Discount for the fee** for the issue or replacement of a residence card is **50%**, and is granted to foreigners:

- 1) who are in a difficult financial situation;
- 2) whose purpose of stay is studying in a secondary school and higher school in the territory of the Republic of Poland;

3) minors, who on the date of application for issue or replacement of a residence card were under 16 years of age.

In the case of **loss or destruction due to one's own fault**, the fee for replacement of a residence card is increased **up to 300%**. Detailed regulations in this field are determined in the implementing regulation to the Act on foreigners.

### 7.3 RESIDENCE CARD REPLACEMENT

Application for replacement of a residence card **must be submitted within 14 days** after the grounds for its replacement.

A foreigner is obliged to **replace the residence card** in case of:

1. change of data included in the existing residence card;
2. changes in the facial image of the holder of the residence card in relation to the image placed on the card to a degree which makes it difficult or prevents identification of the card holder;
3. loss;
4. damage;
5. the acquisition by the Republic of Poland of international responsibility to protect the holder of the residence card issued in connection with the granting of a long-term resident's EU residence permit with mark: "international protection granted by ..."
6. acquisition by another Member State of the European Union of responsibility for international protection of the holder of a residence card issued in connection with the granting of long-term resident's EU residence permit.

### 7.4 AUTHORITY REPLACING THE RESIDENCE CARD

The residence card is replaced by the **voivode competent for the place of residence of the foreigner**. The fee for replacement of the residence card is **PLN 50**. The fee **must be paid at the time of submitting the application** to the account of the relevant voivode.

**The application** for replacement of the card is made on the **form**. A foreigner applying for replacement of a residence card is required to **present a valid travel document and attach to the application:**

- 1) **2 recent photographs** of the person covered by the application, **taken in the appropriate format;**
- 2) **documents necessary to confirm the data** and circumstances included in the application.

In particularly justified cases, if the foreigner applying for replacement of the residence card does not possess and is not able to obtain a valid travel document, he may present **other document confirming his identity**.

### 7.5 LOSS OF OR DAMAGE TO THE RESIDENCE CARD

**In case of loss or damage to the residence card**, the foreigner is obliged to notify the **voivode** that issued it within **3 days** from the date of loss or damage.

Notification should be made on a specially designated **form**.

The voivode is obliged to issue a **free certificate** to the foreigner confirming that fact **valid for a period of 2 months**.

In case of **recovery** of the lost residence card, the foreigner is obliged, within three days from the date of its **recovery**, to notify the voivode **who issued the card** and return promptly the recovered residence card to the authority if a new one has been already issued.

## 7.6 RETURN OF RESIDENCE CARD

A foreigner is **obliged to return the residence card** to the authority which issued it, if:

1. he acquired Polish citizenship;
2. a decision was issued on the annulment of that document;
3. a decision was issued to revoke his permanent residence permit or the long-term resident's EU residence permit;
4. a decision was issued to revoke his temporary residence permit;
5. a decision was issued to revoke his permit to stay for humanitarian reasons;
6. the decision to grant a temporary residence permit has expired under the law;
7. the decision to grant a permanent residence permit has expired under the law;
8. the decision on granting him permit to stay for humanitarian reasons expired under the law.

The residence card should be returned **immediately**, not later than within **14 days** from the date on which:

1. the foreigner was served with a document confirming the acquisition of Polish citizenship, or
2. the decision referred to in points 2-8 has become final or has expired.

The authority, to which the residence card was returned, issues **at the request** of the foreigner a **free certificate of return of the residence permit** valid for a period of **30 days**.

## 7.7 TRAVELLING ON THE BASIS OF A RESIDENCE CARD

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 has a valid **residence card** and:

- has a valid travel document,
- can justify the purpose and conditions of the intended stay, and
- has sufficient resources or the ability to obtain them legally, as well as



- is not considered a threat to public order, internal security, public health or international relations of any of the Member States, in particular, he 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 be present in the national list of alerts for refusal of entry of a Member State.

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

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

The party **dissatisfied with the decision** of the voivode issued in respect of: a temporary residence permit / a permanent residence permit / a long-term resident's EU residence permit / change or revocation of these permits / visa extension / issue or replacement of the residence card, has the right to apply within **14 days from the date of notification of the decision, with appeal** to the **Head of the Office for Foreigners**.

**The appeal shall be submitted to the Head of the Office for Foreigners through the voivode who issued the decision.** The person making the appeal is required to **sign it**.

The party **dissatisfied with the decision of the competent voivode not to initiate proceedings** has the right to file a **complaint** within 7 days of its receipt. **The appeal shall be submitted to the Head of the Office for Foreigners through the voivode** who issued the decision. The person making the appeal is required to **sign it**.

The manner and rules for making appeals against decisions or orders are also contained in instructions contained therein.

In the case of **leaving the application without examination**, the party may **bring a complaint against the inactivity** of the voivode, who informed about leaving the application without examination. The complaint shall be submitted **to the Head of the Office for Foreigners**. The person filing a complaint is required to **sign it**.

**General issues (see Chapter II) apply to the appeal procedure.**

### 8.1 FAILURE TO OBSERVE THE DEADLINE

In case of failure to meet the deadline for making **appeal against the decision or complaint against the decision to refuse to initiate proceedings**, the foreigner **within seven days** from the date of cessation of the cause of failure **may ask for restoration of the deadline**. The foreigner must be able to **substantiate that the failure to meet the deadline was not due to his fault**. **Simultaneously with the requests, one should appeal or make a complaint.**

**Submission of complaint about inaction of the body is not subject to a deadline for filing.**

### 8.2 READING THE CASE FILE

If one wishes to read the evidence of the case, the party or the representative should contact the secretariat of the Division of Appeal Proceedings of the Department for Legalization of Stay of the Office for Foreigners at the number **(22) 175 60 14**, in order to agree on the exact date of appearing at the Foreigners Service Point in the Office for Foreigners at **ul. Taborowa 33 in Warsaw**.

**Telephone information about the case is provided on weekdays, except Wednesdays, between 10 AM and 3 PM.**

### 8.3 METHODS FOR SUBMISSION OF APPLICATIONS, DOCUMENTS, CLARIFICATIONS AND REPRESENTATIONS

**SUBMITTED DOCUMENTS SHOULD BE:**

- **originals or copies certified as being true copies. By showing the original, a foreigner can certify the copy at the Registry Office of the Office for Foreigners:** ul. Koszykowa 16; 00 –564 Warszawa, from 8.15 AM to 4 PM.
- translated into **Polish** by a sworn Polish translator.

**Documents (applications, explanations, statements) may be submitted also:**

- **Through a postal operator to:** ul. Koszykowa 16; 00 –564 Warszawa.
- **Directly at the Registry Office of the Office for Foreigners:** ul. Koszykowa 16; 00 –564 Warszawa, from 8.15 AM to 4 PM.

#### 8.4 COMPLAINT

The party has the right to make a **complaint** against the decision of the Head of the Office for Foreigners **to the Voivodeship Administrative Court in Warsaw**, within 30 days from the date of notification of the decision. **The party files a complaint through the Head of the Office for Foreigners.**

**Filing a complaint to the Voivodeship Administrative Court in Warsaw against the final decision does not legalize the stay of a foreigner on Polish territory.**

**Declaration**

***Instruction received received in .....language***

In cases of applying for an extension of an issued visa or a period of stay covered by this visa, Chapters I, II, III, VIII are handed over.

In case of applying for a temporary residence permit, Chapters I, II, IV, VII, VIII are handed over

In case of applying for a permanent residence permit, Chapters I, II, V, VII, VIII are handed over

In case of applying for a EC long-term resident stay permit, Chapters I, II, VI, VII, VIII are handed over

.....

(place, date)

.....

signature of the applicant

or legal representative

.....

*or signature of translator*