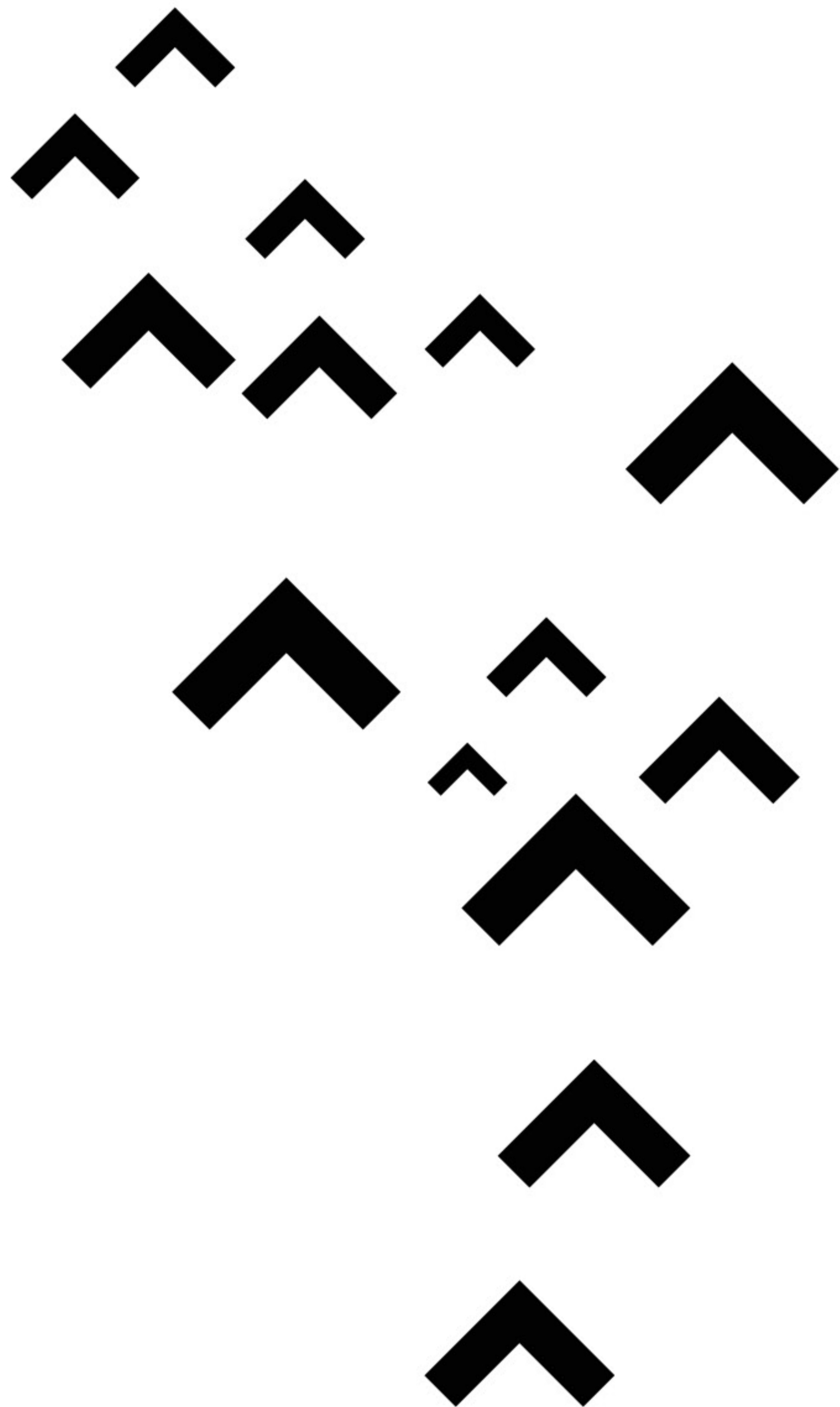


# Migrant Handbook



## Migrant Handbook

Poland is known to be very warm and friendly to migrants living here. However, not all of them are well aware of their rights and opportunities.

At the request of foreigners, specialists of the Institute of Migrant Rights have created a special handbook with answers to the most common questions and problems of migrants, namely, assistance in: legalization of stay, legal aspects and employment issues.

Also, in the handbook you can find information about starting your own business, getting education and medical care in Poland.

We hope that this guide will help migrants to adapt to a new environment and feel comfortable and safe in the new country.

### Authors:

Yulia Ananieva  
Denis Sadovsky  
Tatiana Chyzh  
Olena Gonska  
Olena Pakhomova

### Translator:

Marina Mashtaler

### Graphic design and typesetting:

Dominika Jezierska

*According to the legal status as of November 1, 2022, the information in the handbook is legally up-to-date.*

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# Visa-free movement, visas and work permis

## ➤ 1. Visa-free movement

*Visa-free movement is an opportunity to cross the border of a country of Schengen Area on the basis of a valid travel document (biometrical passport) without need to obtain visa or a certificate of residence. Visa-free movement allows to stay abroad for 90 days during 180-days period.*

When crossing the border it is necessary to:

- ▶ obtain valid travel document (biometrical passport),
- ▶ have a purpose of travel and planned stay conditions,
- ▶ have sufficient means of stay or a possibility to obtain them due to the law;
- ▶ be allowed to enter Schengen Area (due to the SIS database) and not to pose a threat to the public policy, internal security, public health or international relations of any of the Schengen Member States.

The list of countries, that can be entered on the basis of a visa-free movement to the countries of Schengen Area can be found on the website of the Ministry of Foreign Affairs of the Republic of Poland.

## ➤ 2. Visas

*Visa – it's a permit to cross the border and/or stay on the territory of a foreign country, that is being issued by diplomatic or consular missions (consuls). In some cases, in certain countries, a visa can also be obtained at the border-crossing points or at air transport checkpoints.*

Visas can be of a different kind depending on the purpose and planned period of stay, for example in the countries of European Union the most common visa types are “C” and “D”.

**Note!** It is not allowed to obtain two visas of same type for same country. If a foreigner would like to open a new visa while already having another visa of same type, the date of activation of a new visa should be later, than the last day of current visa. It is also possible to write the application for the annulation of current visa.

### 2.1 Types of visa

**Typa A – an airport transit visa.** This kind of visa is being issue for a short-term period (up to 5 days) and allows to enter and stay in the internation transit zone of the airport (it does not allow to enter the territory of the Schengen Area or leave airport transit zone).

**Note!** Airport transit visa allows to stay in the international transit zone of airport while expectating the flight to the country of destination.

**Type C – Schengen “tourist” visa.** This category of visa is being issued to foreigners, who enter and stay on the territory of countries of EU and Schengen Area with touristic purpose up till 90 days during 180-days period of time

There are two types of Schengen visa: a visa, valid for all the countries of the Schengen Area; a visa valid only for for one or several countries of the Schengen Area.

**List of documents, that should be provided in order to receive a type “C” visa:**

- A** A travel document, that meets the following requirements:
  - ▶ is valid for at least next three months after the planned date of arrival;
  - ▶ has at least two empty pages;
  - ▶ was issued within the last 10 years.
- B** Filled out and signed visa application.
- C** A picture, format 3,5\*4,5 cm, made within the last 6 months before the application for visa.
- D** A proof of payment of visa fee.
- E** A medical insurance for not less, than 30 000 euro, valid for the whole Schengen Area.
- F** Accompanying documents:
  - ▶ a confirmation of the purpose of travel;
  - ▶ a document confirming the sufficiency of financial sources;
  - ▶ a proof of payment for housing or confirmation of funds to cover housing expenses;
  - ▶ a document, that allows to estimate, whether applicant would leave the Schengen Area before the visa expires (e.g. a ticket back to the home country).

**Note! Depending on a country, the types of confirmation documents can differ.**



**Type D – National visa.** It’s a long-term visa, that allows to stay on the territory of the Republic of Poland from 90 days to 1 year depending on the purpose of stay. National visa of type D also allows to stay on the territory of other countries of Schengen Area for 90 days during the 180-days period, but without a right to work.

National visa of type “D” is being issued with purpose of a long-term (more than 90 days) visit of the Republic of Poland in order to fulfill one of the following aims:

- 1 for tourism on the territory of the Republic of Poland (cel wydania “01”);
- 2 for visit of relatives or friends, that are located on the territory of the Republic of Poland (cel wydania: “02”);
- 3 for participation in sport competitions on the territory of the Republic of Poland (cel wydania: “03”);
- 4 for conducting business on the territory of the Republic of Poland (cel wydania “04”);

- 5 for work during the validity period of declaration of entrusting foreigner with work, for not more than 365 days, issued by their employer, whose headquarters (main office) is located on the territory of the Republic of Poland (cel wydania „05a”);
- 6 for performing season work for not more than 9 months of a calendar year (cel wydania: „05b”);
- 7 for work on the basis of documents, that allow foreigner to work in Poland, but were not yet mentioned (e.g. work permit issued by a Voivode) (cel wydania: „06”);
- 8 for conducting cultural activity or participation in the cultural and educational conferences, which take place on the territory of the Republic of Poland (cel wydania: „07”);
- 9 to perform their official duties as representatives of public authorities or local governments of a foreign country or delegates of international organizations in the Republic of Poland (cel wydania: „08”);
- 10 to take part in a long-term study program or 1-year long preparation course in order to enter polish university, that is located in Poland (cel wydania: „09”);
- 11 for professional courses of vocational education in postgraduate education institutions located in the territory of the Republic of Poland (cel wydania: „10”);
- 12 for vocational training in long-term (10 months and longer) technical and vocational training courses in accredited vocational education institutions in the territory of the Republic of Poland (e.g. post-secondary schools, in the original language - szkoła policealna) (cel wydania: „11”);
- 13 for didactic purposes on the territory of the Republic of Poland (cel wydania: „12”);
- 14 for scientific research or implementation of research and cognitive works on the territory of the Republic of Poland (cel wydania: „13”);
- 15 for intertnship in Poland (cel wydania: „13a”);
- 16 to take part in the european voluntary service in Poland (cel wydania: „13b”);

- 17 for the purpose of treatment in the territory of the Republic of Poland (cel wydania: „14”);
- 18 for connection with a citizen of other country of the European Union and European Free Trade Association - a participant of the European Economic Area and Switzerland, or stay with them (cel wydania: „15”);
- 19 for the purpose of participation in cultural or educational exchange, in the program of humanitarian help or program of work in the perido of summer holidays on the territory of the Republic of Poland (cel wydania: „16”);
- 20 with a purpose of arrival to Poland with the closest relatives of the repatriate (cel wydania: „17”);
- 21 with a purpose of arrival to Poland as the closest relatives of a person living in Poland on the basis of a permanent residence permit, granted on the basis of the Pole’s Card (cel wydania: „17a”);
- 22 with a purpose of usage of rights and powers, which are being provided to a foreigner by a Pole’s Card, for long-term stay in Poland (cel wydania: „18”);
- 23 for repatriation to Poland (cel wydania: „19”);
- 24 to use the temporary protection status in Poland (cel wydania: „20”);
- 25 to arrive to Poland for humanitarian purposes, because of the state interests or international obligations (cel wydania: „21”);
- 26 to register a certificate for temporary residence for a purpose of re-connection with family members, who live in Poland (cel wydania: „22”);
- 27 for the purpose of obtaining a temporary residence permit to perform work on an intra-corporate transfer within one company with an office located in the territory of the Republic of Poland (cel wydania: „22a”);
- 28 for purpose other, than those mentioned above (cel wydania: „23”).



**Note! In some of the above cases visas can be issued only as national visas or only as Schengen visas. For transit, a visa can be issued only as a Schengen visa. Possession of the Card of the Pole is the basis for opening a national visa type "D".**

In some of the above cases visas can be issued only as national visas or only as Schengen visas. For transit, a visa can be issued only as a Schengen visa. Possession of the Card of the Pole is the basis for opening a national visa type "D".

## 2.2 List of documents for obtaining a national visa

The main list of documents required to obtain a national visa:

- ▶ Filled out and signed application;
- ▶ Valid travel document (the document should have been issued within the last 10 years and there should be at least two empty pages);
- ▶ 2 pictures, format 3,5 x 4,5 cm;
- ▶ proof of payment for the visa fee (the fee depends on the type of visa and the citizenship of the applicant);
- ▶ document, that confirms medical insurance for travels for not less, than 30 000 euro, or, in case of a national visa, other medical insurance issued by an appropriate institution in the Republic of Poland;

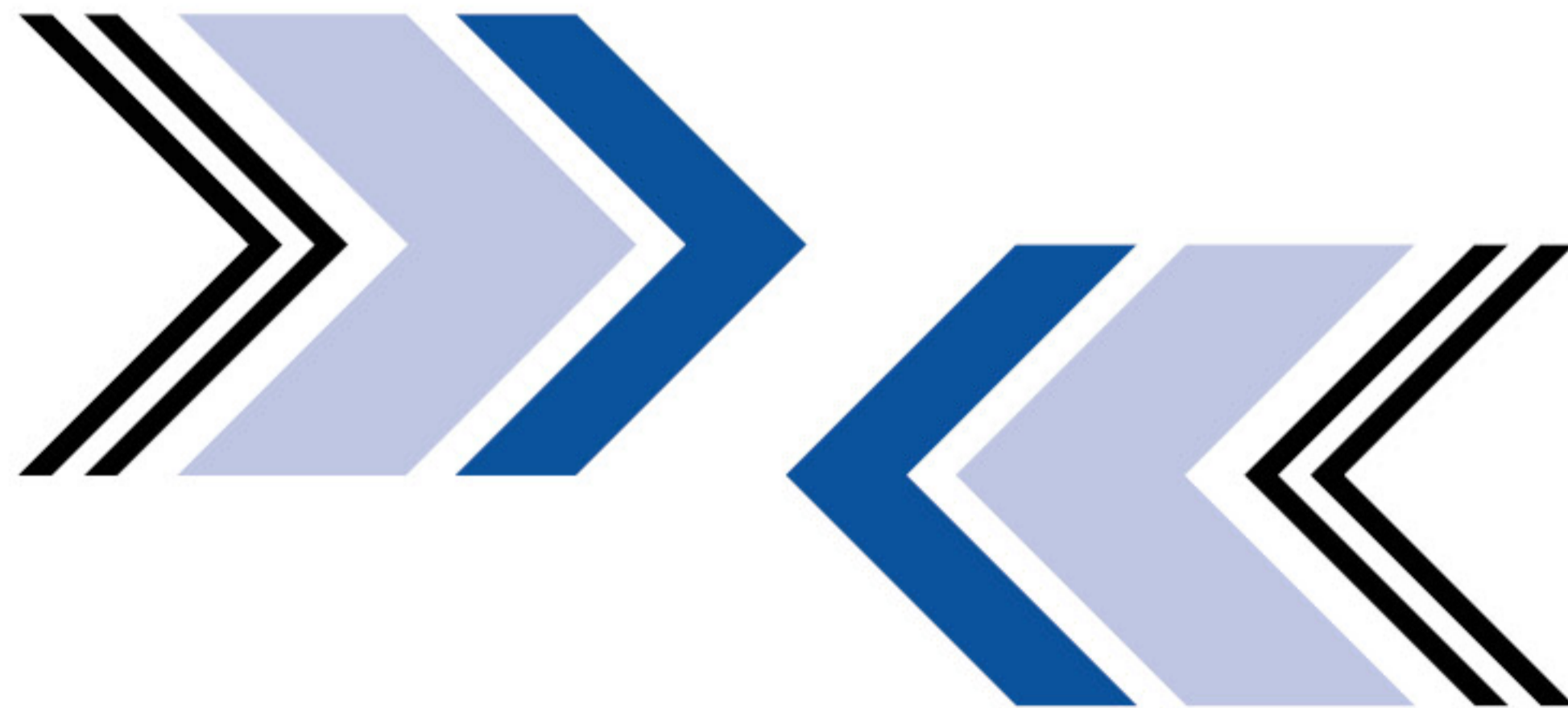
**Note! The type and number of additional documents can differ depending on a Consular mission. For this it is recommended to contact directly with an appropriate Consular mission in order to receive information about additional documents, that are being required for the visa application.**



### Additional documents:

- ▶ a purpose of enter (e.g. an original of work permit, certificate of enrollment in an educational institution, etc.);
- ▶ availability of sufficient funds for entering, staying and leaving the Schengen Area or Poland;
- ▶ a confirmation of obtaining housing (rented or purchased) in Poland (depends on the purpose of issuing visa);
- ▶ confirmation of readiness to leave the Schengen Area (including Poland) when visa expires;
- ▶ other circumstances defined in the application

**Note! The Consul has the right to ask to provide additional documents for visa. The time of expectation of visa can depend on the citizenship of the applicants. It usually takes 15 days from the day of application to receive the visa.**



### Simplified procedure of issuing visas to the family members of citizens of EU

**Note! This procedure is only relevant of the family members of EU citizens, who don't obtain Polish citizenship or do not live of Poland permanently.**

EU citizens include

- ▶ citizens of EU,
- ▶ citizens of Iceland, Lichtenstein, Norway and Switzerland

A family member of an EU citizen is considered to be:

- ▶ wife or husband of an EU citizen,
- ▶ child of an EU citizen or their wife or husband, under 21 years old or is a dependent of an EU citizen or his/her spouse,
- ▶ one of the parents of the EU citizen or his/her spouse who is a dependent of the EU citizen or his/her spouse.

**What powers does the simplified procedure give:**

- ▶ free visa application procedure,
- ▶ Your application will be accepted at the diplomatic mission without the need for an appointment.

**Required documents:**

- ▶ a printed and signed visa application (filled in online),
- ▶ a photo made within 6 months in colour, 35 x 45 mm size,
- ▶ a valid passport,
- ▶ a document confirming marriage or partnership with an EU national,
- ▶ a document confirming that you accompany an EU national in his/her journey or join him/her in their place of residence.



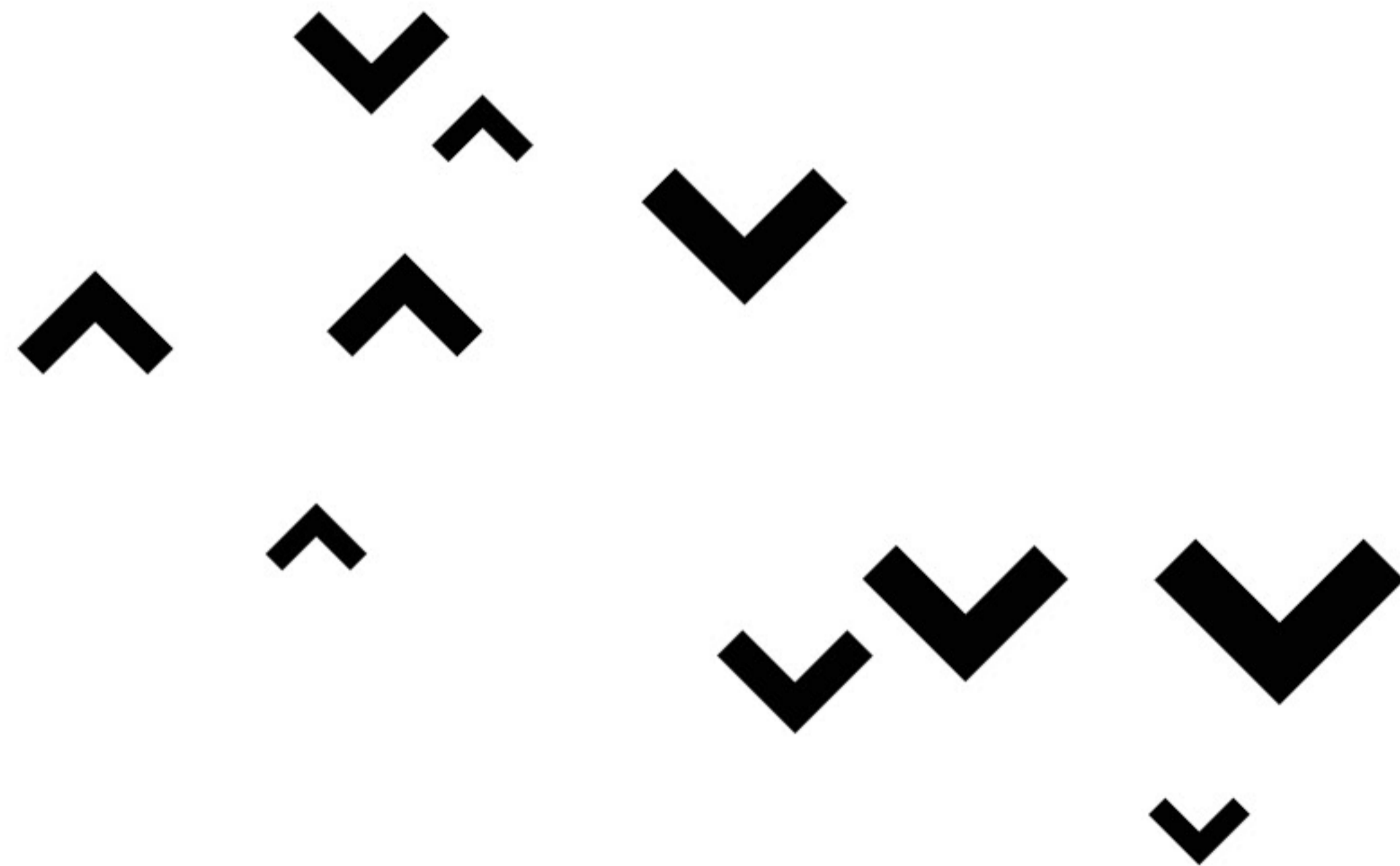
## Visa refusal:

A consul refuses a visa in the form of a decision. You can appeal against the refusal to the Minister of Foreign Affairs.

## Biometric data

When you apply for a visa, you have to provide your biometric data: a photo in the case of a national visa and a photo and fingerprints in the case of a Schengen visa. If you have already applied for a Schengen visa in the recent 59 months and if you have given your fingerprints, you do not have to give them again – the system will automatically transfer your data.

**Note! Children under 12 do not have to give their fingerprints when submitting visa application.**



## 2.3 National visa for drivers of international transport

Citizens of Ukraine and Belarus who carry out road transportations or non-commercial road transportations for road transporters or entrepreneurs residing in Poland, have an opportunity to extend national visas on the territory of the Republic of Poland.

National visa with an indicator “D” is a long term visa. It defines special regulations for the drivers and allows them to reside in Poland up to 1 year (it is valid for no longer than 1 year).

In order to apply for national visa in Poland for the purpose of working as a driver of international transport/a pilot of civil aircraft or an equipage member, turn to the point of acceptance of visa applications

**In order to receive a visa sticker in the travel document, following actions should be carried out:**

- A** Submit a visa application filled out with latin letters and signed.
- B** Submit a valid travel document, (original and a copy of the first page).
- C** Submit a document confirming legal stay on the territory of the Republic of Poland.
- D** Submit the work permit (declaration of entrusting the performance of work to a foreigner in the declaration register, entered by the regional labor administration), in one of the following professions:
  - ▶ 833101 Bus driver;
  - ▶ 833201 Tanker driver;
  - ▶ 833202 Truck tractor driver;
  - ▶ 833203 Truck driver;
  - ▶ 833290 Other truck drivers;
  - ▶ 832202 Driver of delivery transport

**E** Driver license - an original and a copy (driver licence is necessary only when there is no information on work permit, declaration of entrusting work to a foreigner or a certificate from an employer during 14 days since the beginning of work about them entrusting foreigner with work and that that foreigner is a driver of international transport);

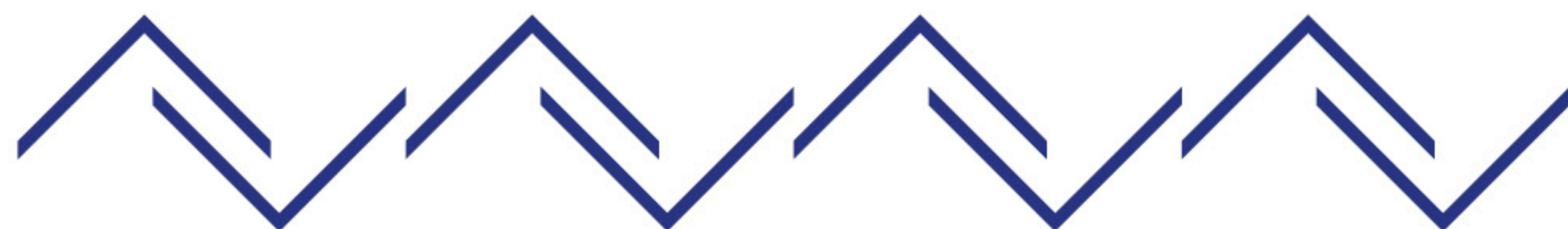
In case, if driver does not have a driver licence, the following documents should be attached to the visa application:

- ▶ A labour contract or other contract, that can be a base for performing work (e.g. contract of commission);
- ▶ A copy of the Association's license for international carriage of passengers or goods by road or a copy of the certificate for non-commercial international carriage by road.
- ▶ Medical insurance for travel (original and copy).
- ▶ A document (original and its copy) confirming that you have sufficient financial means to cover the costs of living during the entire period of your planned stay in the territory of the Republic of Poland and to return to your country of origin or residence.

**Extended visa allows to cross the border with the purpose of road transportation.**

#### Fees

- ▶ No stamp duty or any other fee is payable for pasting the visa sticker.
- ▶ Fee for the service of point of accepting visa application is PLN 38 (with VAT)



## 2.4 Humanitarian visas for citizens of Belarus

*Humanitarian visa is a national visa with an indicator "D21". This type of visa is being issued for the purpose of arrival for humanitarian reasons, for reasons of state interest or due to international obligations. This kind of visa (D21) gives the right to a foreigner to work in Poland without a work permit.*

Humanitarian visa is a kind of tool that allows countries to help people, who need legal and safe access to international protection. It provides help to people, who might experience various limitations in their own country, such as prosecution, unfair treatment because of political views, expressed opinions, participation in protests etc.

In Poland, a citizen of Belarus can apply for a humanitarian visa (D21). Visas issued in Poland are national visas. The validity of this visa does not exceed 1 year. During the validity period, a national visa entitles the holder to travel and stay in other Schengen countries for a period of up to 90 days within any 180-day period.

You can apply for a humanitarian visa to Poland at one of the visa application points.

**Note! Submission of documents can only take place after a preliminary appointment. The application can be submitted only in person.**

#### Documents to be submitted:

- A** Valid travel identity document (original and copy of the first page).
- B** Electronically filled in Latin letters and signed visa application form with one photo.



- C** Proof of a valid Polish visa D21 (or proof of a Polish visa D21, which is no longer valid), or in the absence of such a visa in the passport (valid or invalid) or the presence of another visa - two written statements that:
  - ▶ a citizen of Belarus arrived in the territory of the Republic of Poland after 24.02.2022 from Ukraine due to the war;
  - ▶ a citizen of Belarus was legally staying on the territory of Ukraine immediately before 24 February 2022.
- D** A statement that due to security problems or repression/persecution you cannot return to Belarus.
- E** Medical travel insurance (original and copy).

In case of submitting visa applications for a minor child, you must also add documents (originals with copies) confirming the relationship between parents and child (birth certificate, passports of parents, in case of patronymic change - documents confirming the change).

The documents must be received in person at the visa office where the visa application was submitted. The decision on visas for minors can be obtained by one of the parents (legal guardians).

### Fees

- ▶ No stamp duty or any other fee is payable for pasting the visa sticker.
- ▶ Fee for the service of point of accepting visa application is PLN 38 (with VAT).



## ➤ 3. Work permits

### 3.1. Voivode work permit

*Voivode work permit* it's a document, that allows foreigner to legally work in Poland, if foreigner has basis for housing, that allows to perform their work according to the regulations.

Work permits are issued **by Voivodes** at the request of **the employer** (exception: S permit - for seasonal work, issued by the starost). The permit indicates the employer, the position or type of work performed by the foreigner (this does not apply to the type S permit), the lowest remuneration that the foreigner can receive for this position, the number of working hours and the validity period of the permit.

In order for a foreigner to legally work in Poland on the basis of a work permit, he/she must have a residence permit, which may be associated with an application for delegation of work in the Republic of Poland. However, it is the foreigner himself who should take care of obtaining a residence permit, because having a work permit does not relieve the foreigner of the obligation to legalize his residence in the Republic of Poland.

There are **6 types** of work permits (A, B, C, D, E and S). Procedures and criteria of issuing of work permits and they depend of the type of work permit.

A work permit **cannot be issued** if the person entrusting the work has not fulfilled the requirements for issuing work permits or has been punished for certain crimes or offences. A work permit may not be granted also if the foreigner does not meet certain requirements, if he has been convicted of certain crimes or if his personal data have been included in the list of foreigners whose stay in the territory of the Republic of Poland is undesirable.

The Authority may also **refuse to issue** a permit if the circumstances indicate that the applicant's purpose is not to entrust work to a foreigner, or the foreigner's purpose is not to perform work,

or the applicant does not fulfil the obligations related to running a business or entrusting work (e.g, he does not have the means to cover the obligations arising from the assignment of work, does not carry out activities justifying the assignment of work, has arrears of social security contributions, has arrears of taxes for his employees).

In case of a negative decision, the subject may **appeal** it to the second instance body - the relevant Minister of Labor.

**Note! Starting from March 2022, citizens of Ukraine legally residing in the territory of the Republic of Poland are exempt from the obligation to obtain a work permit in accordance with the Law of the Republic of Poland of 12.03.2022 "On assistance to citizens of Ukraine due to the military conflict in the territory of this state".**

**Work permits issued by voivode (type A, B, C, D, E):**

▶ **Work permit type A**

This permit applies to a foreigner performing work under a contract with an entity whose head office is located in the territory of the Republic of Poland.

A type A permit is issued for a period of up to 3 years, however, this period may be shortened in accordance with the criteria set out in local laws, i.e. issued by the Voivode (Governor of the Voivodeship), the so-called voivodeship criteria.

As a rule, the employer must obtain information from the starost about the local labour market, which confirms that it is not possible to meet its staffing needs on the basis of the registers of unemployed and job seekers (the so-called labour market test). To do this, it is necessary to submit a job offer (job offer) to the Labour Office. In some situations, obtaining the above information from the starost is not required.

**Note! Citizens of Ukraine legally residing in the territory of the Republic of Poland are exempt from obtaining starosta's information and the obligation to pass the labour market test in accordance with the Law of the Republic of Poland of 12.03.2022 "On assistance to citizens of Ukraine due to the military conflict in the territory of this state".**

▶ **Work permit type B**

Such a permit applies to a foreigner performing work consisting of functions in the management board of a legal entity entered in the register of entrepreneurs in the territory of the Republic of Poland.

In order to hire a foreigner as a board member, the applicant must demonstrate through relevant documents that he/she receives an appropriate income (the level of annual income must exceed the average monthly salary by 12 times) and creates jobs (hires at least two persons who do not require a work permit during the year).

In order to hire a foreigner as a board member, the applicant must demonstrate through relevant documents that he/she receives an appropriate income (the level of annual income must exceed the average monthly salary by 12 times) and creates jobs (hires at least two persons who do not require a work permit during the year).

Type B permit is issued for a standard period (up to 3 years), but members of the boards of directors of companies employing more than 25 people can apply for a work permit for up to 5 years.



### ► Work permit types C, D and E

**Type C** - refers to a foreigner performing work for a foreign employer delegated in the territory of the Republic of Poland to a branch or establishment of a foreign entity or an entity related to this foreign employer for a period exceeding 30 days in a calendar year.

**Type D** - refers to a foreigner who performs work for a foreign employer who does not have a branch, establishment or other form of organized activity in the territory of the Republic of Poland, delegated to the territory of the Republic of Poland to provide services of a temporary and occasional nature (export service).

**Type E** - refers to a foreigner who performs work for a foreign employer delegated to the territory of the Republic of Poland for a period exceeding 30 days within the next 6 months, for a purpose other than that specified in permits of type B, C and D.

Delegated workers must have proper employment conditions guaranteed by the employer, not worse than those provided by Polish labour law in such areas as working hours, overtime, minimum wage, occupational safety, parental rights, etc.

In addition, third-country nationals delegated to work in Poland must receive a salary not lower than 70 percent of the average salary in the region where the employees are to perform work.



### 3.2 Certificate of entrusting a performance of work to a foreigner

*Certificate of entrusting a performance of work to a foreigner* – is the main document, that allows a foreigner to work legally in Polish companies and entrepreneurs. 90% of employers start the process of employment of a foreigner with submitting the mentioned Certificate to the Labour Office (Urząd Pracy).

To submit the application about an intention to entrust a work to a foreigner, the following conditions should be met:

- a foreigner is a citizen of Armenia, Belarus, Georgia, Moldova or Ukraine;
- a period of work does not exceed 24 months;
- work performed by foreigner is not seasonal (this type of work needs to obtain permit).

**Note! An employee from Ukraine, employed on the basis of an application to the district labour office, may freely change employer. Such a foreigner may work under the conditions of general access to the labour market for Ukrainian citizens.**

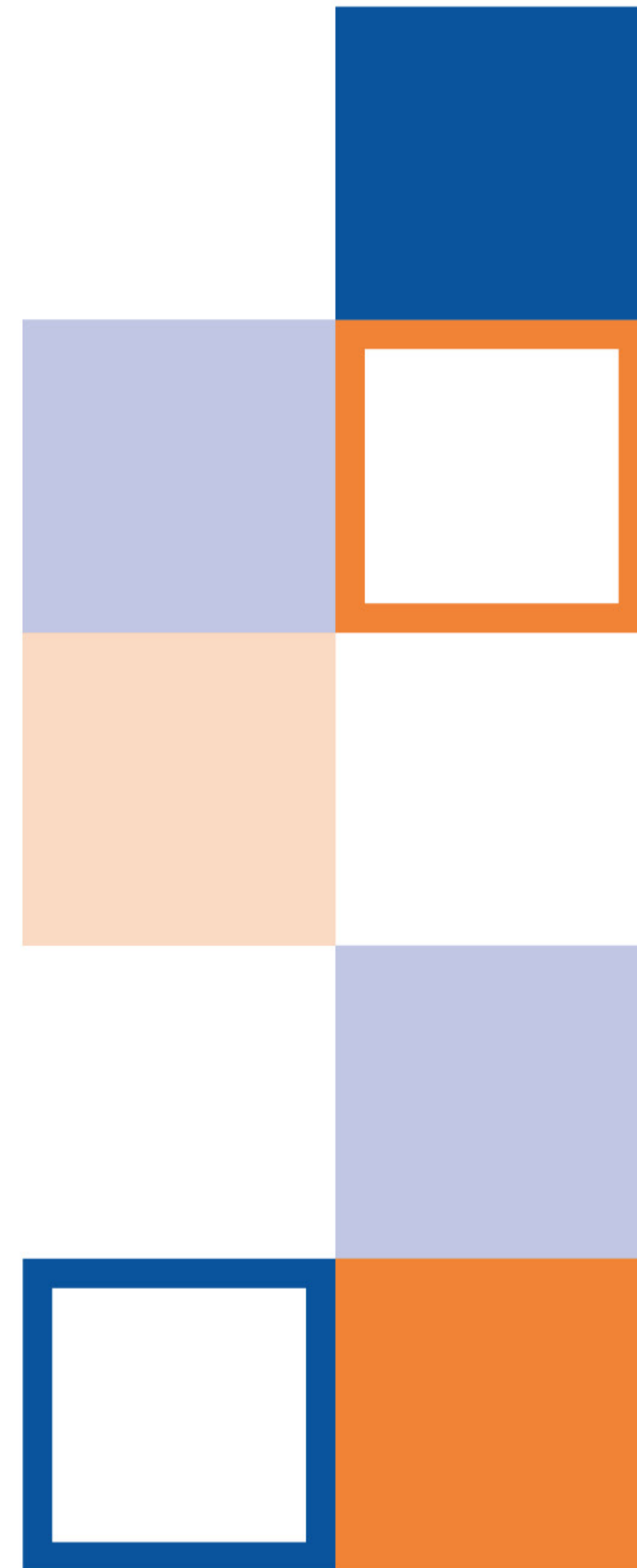
On 1 January 2018, the principles governing the employment of foreigners on the basis of a Certificate came into force. This is the so-called simplified procedure (procedura uproszczona) or the certificate procedure (procedura oświadczeniowa). The period of permissible work on the basis of one application is up to 24 months.

The district (county) Employment Office enters the Certificate in the relevant list (register) or refuses to register it in the process of making an administrative decision. Inclusion in the list (register) takes place within 7 days. In case of complications, it may take up to 30 days.

As for the legal employment of Ukrainian citizens or spouses of Ukrainian citizens after February 24, 2022, it is enough to draw up a Notice to the Labour Office, which must be submitted within 14 days from the date of commencement of work electronically through the portal [praca.gov.pl](https://praca.gov.pl). The only requirement is that the foreigner's stay in Poland is legal.

**Note!** If a citizen of Ukraine left for Poland due to military operations in the period from 24 February 2022 and his/her stay in Poland is legal for 18 months counting from 24 February 2022, his/her employment can be legalized only on the basis of a notification of employment of a citizen of Ukraine.

Such a person cannot be employed in another way, for example, on the basis of an employer's application to entrust work to a foreigner.





# Temporary residence

*A temporary residence permit is a document issued to a foreigner who plans to stay in Poland for more than 3 months. The residence permit is issued for a maximum of 3 years, but this period depends on the grounds for issuing the permit.*

*A temporary residence permit is granted on the grounds specified by law, which may include:*

- ▶ *an official employment;*
- ▶ *studying / graduating from a higher education institution;*
- ▶ *starting your own business;*
- ▶ *family reunification;*
- ▶ *staying with a citizen of the Republic of Poland;*
- ▶ *internship/volunteer activities;*
- ▶ *scientific research;*
- ▶ *other important circumstances (considered individually)*



## ➤ 1. The procedure for obtaining a temporary residence permit

### ▶ Step 1. Submitting an application for a permit to the Voivodeship Office

A foreigner who wants to obtain a temporary residence permit submits an application for a residence permit for a specified period of time in person or by post. If you submitted the application by post, the next step is to appear in person at the Office for fingerprint scanning

**When filling out an application for a permit that legalizes your stay, remember that:**

- ▶ You can get a sample application at the Voivodeship Office, at the place of registration in Poland, or fill in the electronic version, and then print the required number of forms (see Step 2).
- ▶ The document is filled out exclusively in Polish.
- ▶ The Applicant's surname and name are entered according to the foreign passport.
- ▶ Fill in all available fields, do not leave blank fields.
- ▶ Submit the place of actual stay where the correspondence will be received.
- ▶ There is a special field for the applicant's signature. The signature cannot go on the line of the frame.

### ▶ Step 2. Documents required to obtain a stamp in the passport (formal requirements)

When registering an application for a permit at the Voivodeship Office, the following documents must be submitted:

- ▶ **Completed application for a residence permit.** Each Voivodeship has its own requirements for the number of applications that must be submitted in order to start the proceedings.

- ▶ **4 photographs.** Undamaged, color with clear image, size 35 x 45 mm, taken not earlier than 6 months before the application. The photographs must show the applicant's face from the top of the head to the top of the shoulders, the face must occupy 70-80% of the picture.
- ▶ **A photocopy of a valid travel document.** Three copies of the first page with the applicant's data and one copy of all other pages with visas, stamps and other marks. The original passport must be presented at the time of application.
- ▶ **A document confirming the purpose of the application, depending on the grounds.** It can be an Anex No. 1 issued by the employer, a marriage certificate (and a document confirming the legality of the spouse's stay in Poland), a certificate of admission to studies (see sections 2.1. - 2.10.)
- ▶ Confirmation of payment of the stamp duty (see Annex 1) Payment must be made using the details published on the websites of individual voivodeships.

From the moment of submission of the application, the applicant's travel document is stamped with a mark of its submission (stamp), which is the basis for legal stay in Poland, until the decision on the application is made.

**Note!** The stamp in the passport can be obtained if the application for a residence permit in Poland was submitted during a legal stay and the application does not contain formal defects. The stamp does not give the right to enter Poland or to cross the border with Schengen countries.

### ▶ Step 3. Obtaining a temporary residence permit

A temporary residence permit is issued each time for the period of time required to fulfill the specified purpose on the territory of Poland, but not more than 3 years. The duration of waiting for a decision depends on the individual circumstances of the case, the number of documents submitted by you, as well as on the workload of the administrative body considering the case. Many offices in Poland have an electronic database for online checking the status of cases. In case of obtaining a temporary residence permit, a plastic card is issued, which is valid for the period specified in the permit.

### ▶ Step 4. Obtaining a card of temporary residence permit

To obtain a plastic card, you must pay stamp duty (see Annex 1). The readiness of the card is checked through contact with a specialist of the relevant department.

## ➤ 2. Purposes of stay, that allow to obtain a temporary residence permit

In order to obtain a temporary residence permit in Poland, a foreigner needs good reasons, which must be confirmed by appropriate documents. The package of documents may vary depending on the foreigner's situation and the office to which the foreigner applies for a temporary residence permit.

**Note!** When processing documents, regardless of the grounds, the main list of documents is required (see section 1.)



## 2.1 Temporary residence permit for the purpose of work

A foreigner who intends to legalize his/her stay in Poland on the basis of employment or continuation of work in Poland must obtain a residence permit. The permit gives the right to stay and work in Poland for up to 3 years. The duration of the permit depends primarily on the period for which the employer intends to entrust you with work.

**In addition to the basic documents, you must attach to the application for such a permit:**

- A Annex N°1 (Załącznik N°1)**, filled in by the employer and signed by an authorized person who has the right to represent the company - is a mandatory document for applying for a residence card on the specified grounds. Based on this document, it is checked whether you have sufficient income to support yourself. The conditions of entrusting you with work, which are indicated in Appendix No. 1, must be valid and up-to-date at the time of issuing the permit, and must also be in accordance with the conditions specified in other documents, for example, in the employment contract, in the information from the starosta. In order to speed up the decision-making process, a valid extract from the State Court Register/Central Business Register (KRS/CEiDG) of the company should also be submitted with Annex No. 1.
- B The starosta's information** is a document issued by the Poviast Labour Office at the request of the employer. In some cases, you may be exempt from obligation to provide this document. Each voivodeship has a list of professions that are exempt from the obligation to have information from the starost.



**Note! According to the law on assistance to citizens of Ukraine in connection with the armed conflict on the territory of this state. Information from the starosta is not required if you are a citizen of Ukraine and legally reside in Poland.**

- C** The presence of one of the documents confirming **health insurance**, it can be:
  - ▶ Insurance contract with the National Health Fund (NFZ);
  - ▶ Social Insurance Office (ZUS);
  - ▶ Health insurance issued by another country (it is necessary to provide the original insurance together with a translation made by a sworn translator);
  - ▶ Private insurance policy.
- D** A valid document confirming **your place of residence** in the territory of the Republic of Poland (lease agreement, application from the landlord for permission to stay for a foreigner).

**Note! A document confirming the place of residence is not required for applications submitted from 29.01.2022 for a residence and work permit.**

- E** If you perform work for which it is necessary to have proof of qualifications in Poland, you need to provide documents **confirming professional qualifications or fulfillment of all necessary conditions** (e.g. drivers of international transport, doctors, etc.)

## Stay for the purpose of seasonal work

The application must be submitted if the purpose of stay in the territory of the Republic of Poland is to perform seasonal work for the entity entrusting the work.

**In addition to the basic documents, you must attach to the application for such a permit:**

- ▶ A document confirming your entry to Poland on the basis of a visa issued for the purpose of seasonal work (symbol 05b) or under the visa-free regime, together with a seasonal work permit entered in the register,
- ▶ The permit for seasonal work or extension of the permit for seasonal work is valid for the period exceeding the period of stay within the visa-free regime,
- ▶ A document confirming a stable and regular source of income,
- ▶ A document confirming the availability of health insurance,
- ▶ A valid document confirming your place of residence in the territory of the Republic of Poland.

**Note! This permit is granted for the period of validity of the foreigner's seasonal work permit or extension of the seasonal work permit for no more than 9 months from the date of first entry for the purpose of seasonal work.**

## Staying for the purpose of work by a foreigner on a business trip

The application must be submitted if you intend to stay in Poland for more than 3 months and have a business trip to Poland in order to work for a foreign employer.

In addition to the basic documents, you must attach to the application for such a permit:

- ▶ Letter of assignment from a foreign employer in the territory of the Republic of Poland with sworn translation. In particular, the letter of business trip must specify: the duration of the business trip and the amount of remuneration;
- ▶ Work permit type C, D, E;
- ▶ A document confirming the availability of health insurance;
- ▶ A document confirming the guaranteed place of residence in Poland.

**Note! The work permit must be valid for at least 3 months when making a decision on temporary stay!**

## Change of temporary residence permit for applications submitted after 28.01.2022

**Note! On 12 March 2022, the Law on Assistance to Citizens of Ukraine in connection with the Armed Conflict in the Territory of this State entered into force. Article 22 section 1 paragraph 2 of the said Act stipulates that every citizen of Ukraine residing in the territory of the Republic of Poland has the legal right to work in the territory of the Republic of Poland without the need to obtain a work permit (he has free access to the labor market). Therefore, citizens of Ukraine do not need to apply for a change of temporary residence and work permit, because every citizen of Ukraine can work for another employer and under different conditions, without the need to change the previously issued decision.**

Therefore, if you are a citizen of a country other than Ukraine, an application for a change of a single temporary residence and work permit must be submitted in the following cases:

- ▶ Change of employer;
- ▶ You have been granted the right to work without a work permit and you have a temporary residence and work permit in which the employer is indicated;
- ▶ The employer-user changes, and you continue to work for the same temporary employment agency for which the residence and work permit was issued;
- ▶ You continue to work for the employer for whom you were issued a work permit, but the working conditions have changed in the following areas: position; minimum wage; hours of work; type of contract on the basis of which you will work.

**Note! The expiration date of temporary residence permit cannot be extended.**

**Change of permit is not required in the following cases:**

- ▶ Changes in the legal address or place of residence, name or legal form of the employer;
- ▶ Transfer of the employer or its part to another employer, or merger of the employer or its part with another employer;
- ▶ Replacement of a civil law contract with an employment contract;
- ▶ Changing the name of the position you work in while maintaining the same job duties or increasing the hours of work with a proportional increase in your remuneration.

**Required documents:**

- ▶ Application in 1 copy;
- ▶ Original of Annex No. 1, fully filled in by the employer and signed by a person authorized to represent the company;
- ▶ Original information from the relevant starosta or a document exempting from this obligation;
- ▶ Availability of health insurance;
- ▶ Original proof of payment of the stamp duty for changing the temporary residence and work permit in the amount of 220 PLN.

**Note! You will be refused to change your temporary residence and work permit if you have not informed the voivode about the loss of employment within 15 working days.**

**Temporary residence permit for work requiring high qualification (so-called "Blue card")**

The residence permit is intended for skilled workers. It requires an employment contract and sufficiently high earnings, as well as documented qualifications of the foreigner. The foreigner must have a completed higher education or at least 5 years of professional experience in a field related to the qualification acquired as a result of obtaining a completed higher education.

**Note!!! The amount of the minimum annual gross remuneration required for granting the permit may not be lower than the equivalent of 150% of the average remuneration in Poland for the year preceding the conclusion of the contract, as announced by the Central Statistical Office.**

In addition to the basic documents, you must attach to the application for such a permit:

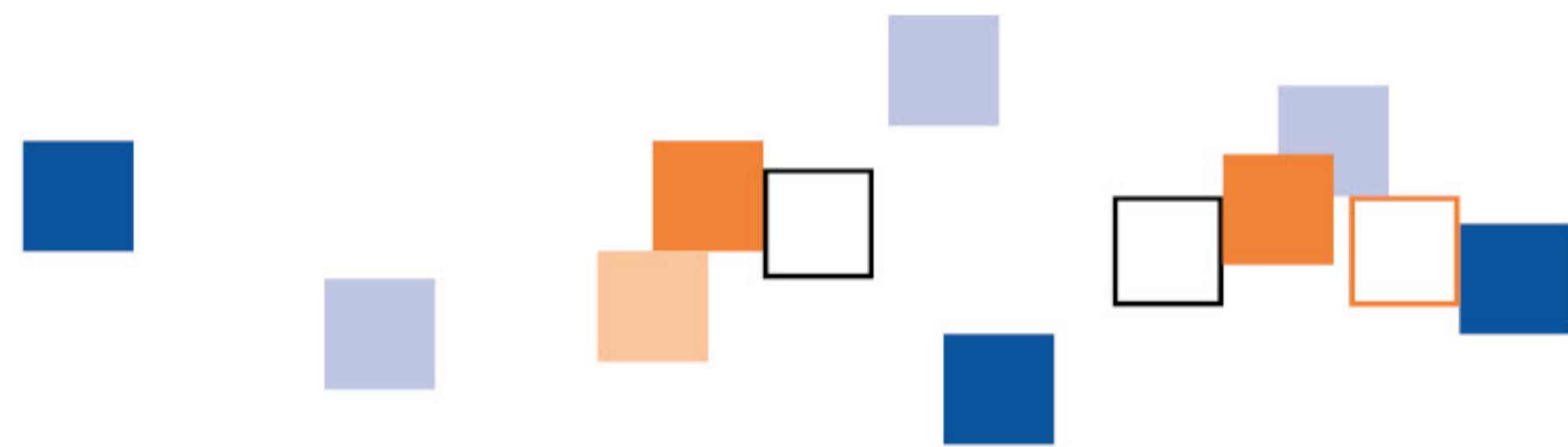
- ▶ **Annex No. 1** (Załącznik No. 1) to the application is fully filled in by your employer and signed by an authorized person who is entitled to represent the company (see section 2.1.);
- ▶ **Annex No. 2** (Załącznik No. 2) to the application is filled in by you;
- ▶ **Original information of the starosta** or a document exempting from this obligation;
- ▶ A valid document confirming your **place of residence** in the territory of the Republic of Poland;
- ▶ **Employment contract, a civil law contract** on the basis of which you perform work for a period of at least 1 year;
- ▶ **A document confirming the availability of high qualifications**, such as the original diploma, higher education document together with a translation into Polish made by a sworn translator.

### Possibility to amend the decision

You are obliged to inform the Voivode who issued the permit about the end of work within 15 days after the loss of work.

**An application to change a temporary residence permit must be submitted if you:**

- ▶ intend to work for an entity other than the one specified in the permit, or
- ▶ intend to change your position, or
- ▶ you will receive remuneration lower than specified in the permit.



**Note!** During the first 2 years of your stay in Poland on the basis of the EU Blue Card, you cannot perform work for an entity other than the one specified in the permit, you cannot change your position, you cannot receive remuneration lower than that specified in the permit, without a corresponding change in this permit.

## 2.2 Temporary residence permit for study purposes

The application must be submitted if you intend to stay in Poland for more than 3 months and the main purpose of your stay is to study or continue your studies.

### Stationary training

In addition to the basic documents, you must attach to the application for such a permit:

- ▶ A valid certificate from the educational institution signed by the Rector or an authorized person who has the right to sign certificates for foreigners.
- ▶ Certificate of payment of the contract for the academic period (semester, year) or confirmation of scholarships, grants, etc.
- ▶ Document confirming health insurance (see section 2. paragraph 2.1)
- ▶ A document confirming that you have sufficient funds for your maintenance in Poland. This can be a certificate issued by a Polish bank confirming the availability of sufficient funds in the account.

**The amount of sufficient funds is calculated according to the following formula:**  $776 \text{ PLN} * 15 \text{ months} + \text{the cost of the refund (500 PLN for foreign students from EU countries or neighboring countries with Poland and 2500 PLN for foreign students from other countries)} + \text{the cost of rent together with the cost of utilities (if the payment of such is provided by the lease agreement)} * 15 \text{ months}.$

- ▶ A valid document confirming your place of residence in the territory of the Republic of Poland (certificate from a dormitory, rental agreement, etc.)
- ▶ Declaration of availability of funds to cover living expenses. This amount of money includes: regular payments related to rent, as well as payments for electricity, gas, water, garbage, etc.

### Nonstationary education

Residence permit for the purpose of study is granted for a period not exceeding 12 months. This form of study does not give the right to work without a work permit. Except for cases provided by the "Law on assistance to citizens of Ukraine due to the armed conflict on the territory of this state".

### Graduates of higher education institutions looking for a job

You can apply for temporary residence in Poland if you are a graduate of a Polish university and the main purpose of your stay is to find a job. You can apply for a permit only after graduation. In addition to the general list of documents (see section 2. point 1. Step2), you must attach a diploma of graduation from an educational institution in Poland to the application.

### School, course, professional training

The application must be submitted if the main purpose of your stay is to study at secondary school, police school, language school or if you participate in vocational training. In this case, the main document confirming the purpose is a certificate signed by an authorized person containing information on the start and end date of studies, year of study, form of study, as well as the number of hours of classes per month (study plan).

## 2.3 Temporary residence permit for the purpose of participation in the European volunteer service program

*Volunteering is a voluntary non-profit social activity carried out by volunteers by providing volunteer assistance (free works and services).*

You can apply for a temporary residence permit for this activity if the main purpose of your stay in Poland is European volunteering. The institution from which the volunteer carries out activities must be approved by the Minister of the Interior.

The temporary residence permit is granted for the period necessary to achieve the purpose of the foreigner's stay in Poland. This period should be longer than 3 months, but not longer than 1 year, with the possibility of applying for further permits.

**In addition to the basic documents, you must attach to the application for such a permit:**

- A A contract on the basis of which the foreigner provides services as a volunteer, concluded with the organizational unit for which the foreigner provides these services. The agreement must contain:**
  - ▶ description of the volunteer service,
  - ▶ duration of volunteer service,
  - ▶ conditions for the implementation and control of volunteer activities,
  - ▶ hours of service provision,
  - ▶ funds to cover the living expenses of the foreigner and the minimum amount of pocket money,
  - ▶ training of a foreigner necessary for the performance of services.
- B Document confirming the place of residence.**
- C Documents confirming the availability of health insurance**

- D** A document confirming the availability of sufficient funds -  
- a current certificate of the amount of funds, for example:
- ▶ bank account statement,
  - ▶ a document confirming the appointment of a scholarship indicating the term and amount of assistance,
  - ▶ certificate of credit card limit,
  - ▶ traveler's check.



## 2.4 Temporary residence permit for the purpose of internship

*Internship* - the performance of tasks in order to acquire knowledge, practical skills and professional experience, on the basis of an agreement with the organizer of the internship. The internship must correspond to the field and the level of completed or ongoing research

You can apply for a temporary residence permit for an internship if the main purpose of your stay in Poland is to participate in an internship. The institution organizing the internship must be approved by the Minister of the Interior.

**In addition to the basic documents, you must attach to the application for such a permit:**

- A** A contract on the basis of which the foreigner is to undergo an internship concluded with the organizational unit for which the foreigner is to provide these services, which states:
- ▶ description of the internship program, which contains information about its educational purpose or educational components, theoretical and practical training, the position in which the internship will be held, the language in which the internship will be held, the level of language proficiency required for the internship. Internship, the scope and type of tasks performed, the amount of knowledge, practical skills and professional experience to be acquired,

- ▶ duration of the internship,
- ▶ internship conditions, including internship hours, place of internship and appointment of the intern's supervisor,
- ▶ rights and obligations of the parties regarding: covering the costs of the internship, necessary medical examinations, accident insurance, holidays, terms of termination of the contract,
- ▶ a way to confirm the acquired knowledge, practical skills and professional experience

**B** A document confirming the completion of higher education issued not later than 2 years immediately preceding the application for a permit, or a document confirming the completion of higher education outside the European Union;

**C** A document confirming the completion of a Polish language course or another language in which the internship is conducted, or a document confirming the completion of such a course at the level of language proficiency required for the internship, e.g.:

- ▶ diploma of completion of the language course,
- ▶ language certificate

**D** Documents confirming the availability of health insurance;

**E** Document confirming the availability of a place of residence;

**F** Document confirming the availability of sufficient funds for accommodation (see section 2. paragraph 2.3);

**G** Written statement of the organizer of the internship, in which he undertakes to bear the costs associated with the possible issuance and execution of the decision on the obligation of the foreigner to return to the country of origin.

## 2.5 Temporary residence permit for the purpose of scientific research

The application must be submitted if you intend to stay in Poland for more than 3 months and the purpose of your stay in Poland is to conduct scientific research or scientific research work in a scientific institution located in Poland and approved by the Minister of the Interior

**In addition to the basic documents, you must attach to the application for such a permit:**

- ▶ An agreement on the admission of a scientist to conduct scientific research or research work concluded with a scientific organization based in Poland;
- ▶ Written statement of the scientific organization on the obligation to bear the costs associated with the possible issuance and execution of the decision on the foreigner's obligation to return;
- ▶ Document confirming health insurance;
- ▶ A document confirming that you have sufficient funds for your maintenance in Poland and funds for your return trip for the period of scientific research or research work, after deducting the cost of living;
- ▶ Declaration on the amount of funds for accommodation.

**Note!** If necessary, other documents or information confirming the circumstances specified in the application may be requested from the foreigner.

## 2.6 Temporary residence permit for the purpose of family reunification

A temporary residence permit for the purpose of family reunification is issued to a foreigner if the following requirements are met:

The family member with whom the foreigner wants to reunite must reside in Poland on the basis of one of these residence permits:

- ▶ on the basis of a long-term resident's EU residence permit,
- ▶ on the basis of a permanent residence permit,
- ▶ on the basis of a temporary residence permit that meets the following requirements:
  - the foreigner has been in possession of this permit for at least 2 years immediately before applying for a family member, and
  - there is at least 1 year left until the end of the permit validity period,
- ▶ on the basis of a temporary residence permit to perform work requiring high qualifications,
- ▶ in connection with the granting of refugee status,
- ▶ in connection with the granting of subsidiary protection,
- ▶ on the basis of a temporary residence permit, in connection with scientific research,
- ▶ in connection with the granting of a residence permit for humanitarian reasons

**Family members who can apply for a temporary residence permit for the purpose of family reunification:**

- ▶ one of the spouses (only in case of registered marriage)
- ▶ minor children of a foreigner, their joint children and children of a person who is married to him/her, including adopted children.

In addition to the basic documents, you must attach to the application for such a permit:

- A Document confirming the permanent place of residence
- B Documents confirming the availability of health insurance
- C Documents confirming the existence of a permanent and regular source of income sufficient to cover the costs of living for yourself and dependent family members in the amount not less than the social subsistence minimum (PLN 600 net per month as of 2022). For example, an employment contract or a civil law contract (the foreigner's living expenses are covered by a family member who is obliged to support him/her and resides in the territory of the Republic of Poland).

**Additionally in some cases it is attached:**

- ▶ documents confirming the degree of kinship recognized by Polish law (documents on marital status: marriage certificate, birth certificate, etc.)
- ▶ documents confirming that the foreigner with whom he/she intends to reside in the territory of the Republic of Poland has a residence permit (provided for in point 1 of this section),
- ▶ certificate of education (concerning a child/student, etc.).

**Note! A residence permit for family members of a foreigner is issued for the period of validity of the residence permit of the foreigner with whom the said family members are united.**

## 2.7. Temporary residence permit with a citizen of the Republic of Poland

An application for a temporary residence permit for family members of a Polish citizen may be submitted to the Voivodeship Office if the foreigner intends to stay in Poland for longer than 3 months in order to live with his/her spouse who has Polish citizenship.

The permit is also granted in the case of a foreigner who leads a family life within the meaning of the European Convention for the Protection of Human Rights and Fundamental Freedoms with a Polish citizen residing in the territory of the Republic of Poland, with whom he or she lives in this territory (see section 2.9).

**In addition to the basic documents, you must attach to the application for such a permit the following documents:**

- ▶ Documents confirming the degree of kinship (marriage certificate, birth certificate);
- ▶ Documents confirming the existence of health insurance;
- ▶ Copy of an identity card or other document confirming Polish citizenship;
- ▶ Documents confirming cohabitation with a family member in another country;
- ▶ Documents confirming the need for personal care for the foreigner (if circumstances require personal care for this citizen);
- ▶ Document confirming the availability of sufficient financial resources to cover the costs of living and return.

*The amount of monthly cash costs is (as of 2022) is at least PLN 776 net per month for one person, at least PLN 600 net per month - for each person in the family.*

**Note! Documents may vary depending on the type of procedure.**



## 2.8 Temporary residence permit for the purpose of economic activity

A foreigner conducting business activities in Poland may apply for a temporary residence permit on this basis. To do this, when applying for a permit, in addition to the basic list of documents, it is necessary to submit documents confirming the conduct of economic activity in Poland (e.g. an entry in the National Court Register (KRS) or an extract from the register (CEIDG)).

**When applying for a temporary residence permit, a foreigner must indicate the purpose of "conducting economic activity" if:**

- ▶ A person performs a function in the board of a limited liability company or a joint stock company, which he/she established or in which he/she accepted or acquired shares or stocks;
- ▶ Carrying out the business of a limited partnership or joint-stock company as a partner;
- ▶ Carrying out activities as a trustee.

**Note! Economic activity is the priority purpose of stay. Therefore, if a foreigner works as an employee and conducts economic activity at the time of application, the purpose of stay should be indicated as economic activity.**

## Starting your own business

Citizens of Ukraine who legally stay on the basis of *the Act of 12 March 2022 on assistance to citizens of Ukraine due to the armed conflict in the territory of this country*, or on the basis of the law on foreigners (i.e. have a visa, temporary or permanent residence permit, etc.), have the right to carry out economic activities under the same conditions as Polish citizens.

### Entrepreneurial activity - temporary residence permit

The most popular forms of economic activity are individual economic activity and limited liability company. In general, the following documents are required in the procedure of granting a temporary residence permit for the purpose of conducting business activities:

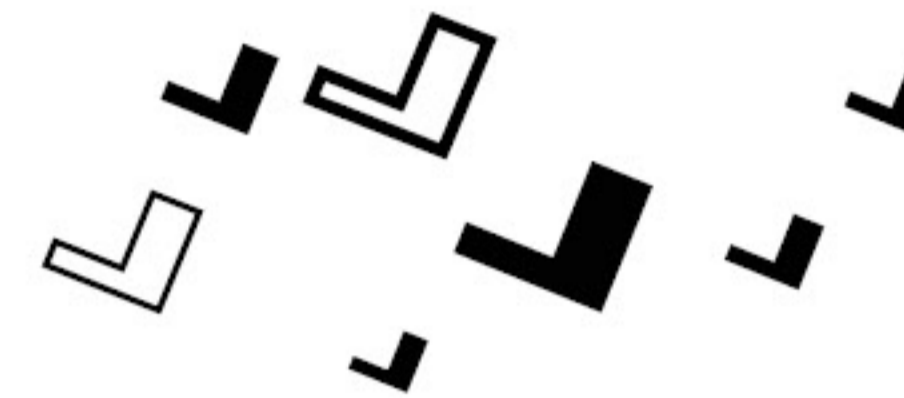
- A Documents confirming the existence of a stable and regular source of income sufficient to cover the costs of maintaining yourself and dependent family members;
- B Documents confirming medical insurance;
- C Documents confirming the fact of residence in Poland;
- D A certificate from the tax office confirming that the company has no tax arrears and a certificate from the relevant Social Insurance Office confirming that the company (business entity) has no arrears of social security contributions;

If a foreigner is a member of the board of directors of a company in which he/she holds shares or stocks, the application must be accompanied by Appendix No.1, which is filled in by the foreigner's employer or an authorized person with the appropriate powers;

- E Documents related to the opening of the company (in the case of a company - charter, memorandum of association);
- F Premises lease agreement;

- G** Balance sheet of the company together with the current profit and loss statement;
- H** Information (questionnaire) on conducting business activities (in case of a newly established business);
- I** Documents confirming the fulfilment of one of the three requirements:
  - ▶ earning an income not lower than 12 times the average monthly wage in the Voivodeship in which the entrepreneur has his registered office or place of residence, in the year preceding the submission of the application, announced by the Head of the Main Statistical Office link <https://stat.gov.pl/> ( CIT-8 , PIT 28, PIT 36, certificate from the tax office on the income received in the previous year ), or
  - ▶ employment for an indefinite period and full-time for at least 1 year before the application, at least 2 employees who are Polish citizens or foreigners,
  - ▶ have the means to fulfil the above conditions in the future or carry out activities that will enable the fulfilment of these conditions in the future, in particular by contributing to the growth of investments, technology transfer, introduction of useful innovations or job creation (e.g. current bank account balance, business plan, documents confirming investments, supplies and equipment used in production or services rendered, invoices, service agreement/contracts).
- J** Other documents confirming the financial condition of your company.

**Note!** The documents required under this procedure may vary depending on the specifics of the business activity. This means that the Voivodeship Office requires the submission of documents specific to a particular business entity.



## 2.9 Temporary residence permit under other circumstances

A foreigner who proves that there are circumstances other than those listed in the Act on foreigners (Title V of this Act), which justify his stay in Poland for a period longer than 3 months, may apply for a temporary residence permit, indicating the purpose of stay as "Other circumstances". The period for which the permit is issued depends on the purpose of stay indicated in the application for temporary residence, but it may be issued for a period not exceeding 3 years.

**Below are the circumstances under which you can apply for a temporary residence permit:**

- A** Stay with a family member (if the conditions for obtaining a temporary residence permit for family reunification are not met in accordance with Article 159 of the Law on Foreigners)
- B** Unaccompanied minors born in Poland
- C** Graduates looking for a job (see chapter 2. point 2.2)
- D** Respect for the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms (illegal stay)

- E The need to protect the rights of the child
- F Other circumstances not listed above

**Note! The documents required by the Voivodeship Office in these proceedings may vary depending on the purpose of stay declared by the foreigner.**

## 2.10 Temporary residence permit for the citizens of Belarus on the basis of a humanitarian visa

The temporary residence permit on the basis of other circumstances (inne okoliczności) can be granted to a foreigner, who resided on the territory of the Republic of Poland right before submitting the application for the temporary residence permit on the basis of a national visa issued for the purpose of arrival for humanitarian reasons (with the indication 'D 21' on the visa sticker) and is a Belarusian citizen. (*Ordinance of the Minister of the Interior and Administration of 14 June 2022 r. item 1335*).

The temporary residence permit is granted by the voivode competent for the place of residence of the Belarusian citizen.

**The following persons have right to apply for the temporary residence permit:**

- ▶ Every person that resides on the territory of Poland on the basis of a national visa issued for the purpose of arrival for humanitarian reasons (indication D21).
- ▶ Every person, who resided on the territory of Poland on the basis of D21 visa right before applying for the temporary residence permit.

**Benefits, that this kind of temporary residence permit brings:**

- ▶ a fee will not be charged for issuing a residence card to a person who has obtained such the entitlement;

- ▶ the holder of such the fixed-period residence entitlement will be exempted from the requirement to hold a work permit;
- ▶ from 1 January 2023, the holder of such the fixed-period residence entitlement will be able to apply for a Polish travel document for a foreigner.

*Polish travel document for a foreigner - is a document granted to a foreigner that doesn't hold a valid passport. For example, because they lost their passport, the passport's term of validity expired and a foreigner does not have a possibility to receive a new passport. A Polish travel document for a foreigner is being issued by a voivode competent for the place of residence of the foreigner. It enables the right to cross the border multiple times.*

*The document should be received personally by a foreigner. When issuing a document to a minor child, who has turned 6 years old, their presence is also required*

**Documents required when applying for the temporary residence permit:**

- ▶ 1 completed application (can be found on the official websites of the Voivodeship administrations);
- ▶ 4 photos. Clear, undamaged, in color, in format 35x45mm, that were taken within the last 6 months before the application.
- ▶ the original and a copy of the page with personal data, place of birth and the place of residence

The application for a temporary residence permit is being submitted by a foreigner in person in the Voivodeship administration or by Polish post.

The term of validity of such permit is three years

### The procedure of appealing the decision

During 14 days after receiving the decision about refusal to grant residence permit, about cancelling the permit or stopping the procedure of considering the application, a foreigner can submit an appeal to the Head of Department for Foreigners via Voivode, who made the decision you would like to appeal.



# Documents for permanent residence

## ➤ 1. Permanent residence permit

Permanent residence permit is a document, that allows foreigner to permanently reside in a country, freely cross the border, be employed without special permits, conduct business, etc.

The term of making a decision regarding the permanent residence permit is 6 months since the moment of providing all the necessary documents according to the Law.

This permit is being granted for indefinite period, but with necessity to change the plastic card every 10 years without providing new package of documents.

**Permanent residence permit is being granted on the basis defined by the Law:**

- A** an applicant is a child of a foreigner, who obtains a permanent residence permit or a long-term EU residence permit, and is under their parental care, and:
  - ▶ the applicant was born after their parent received a permanent residence permit or a long-term EU residence permit, or

- ▶ the applicant was born during the period of temporary residence permit granted to their parent, or during the period of stay of their parent on the territory of the Republic of Poland on the basis of residence permit due to humanitarian reasons, or on the basis of tolerated stay permit, or due to a refugee status or additional protection;
- B** an applicant is a child of a citizen of the Republic of Poland and is under their parental care
- C** an applicant is of Polish origin and intends to permanently reside on the territory of the Republic of Poland;
- D** an applicant, on the day of submitting the application is married to a citizen of the Republic of Poland for at least 3 years, and right before submitting the application he or she have stayed in Poland for at least 2 years on the basis of a temporary residence permit, granted due to the marriage with that citizen or due to obtaining a refugee status, an additional protection or a residence permit due to the humanitarian reasons;
- E** an applicant is a victim of human trafficking and
  - ▶ they live on the territory of the Republic of Poland for at least 1 year on the basis of a temporary residence permit for victims of human trafficking,
  - ▶ they collaborate with law enforcement bodies in criminal proceedings regarding this crime,
  - ▶ has a well-founded fear of returning to his/her country of origin;



**F** directly before submitting the application, an applicant resides on the territory of the Republic of Poland for at least:

- ▶ 5 years due to obtaining the refugee status, additional protection or on the basis of a residence permit due to humanitarian reasons, or
- ▶ 10 years on the basis of a tolerated stay permit;
- ▶ 4 years on the basis of a temporary residence permit and work, granted on a purpose of performing work in professions lacking in the Polish economy, and has stable and permanent income, sufficient for covering the expenses to maintain themselves and their family members, who are being supported by the foreigner;

**G** an applicant have received a shelter on the territory of the Republic of Poland;

**H** an applicant obtains a Pole's Card and intends to settle on the territory of the Republic of Poland;

**I** an applicant is a citizen of the United Kingdom of Great Britain and Northern Ireland, who till 31st of December 2020 worked as a employee, delegated by a foreign employer on the territory of the Republic of Poland and at the same time meets the following requirements:

- ▶ stays on the territory of the Republic of Poland legally and uninterruptedly for at least 5 years before submitting the application,
- ▶ has a source of permanent and stable income, sufficient to maintain themselves and their family members,
- ▶ medical insurance

**J** an applicant is a spouse of a repatriate, who haven't applied for a national visa with purpose of repatriation, but intends to live with the repatriate on the territory of the Republic of Poland.

### Applying for permit to the Voivodeship Administration.

A foreigner, that would like to receive a residence permit, has to submit an application to the Voivodship Administration personally or via mail, not later, than the last day of their legal stay on the territory of the Republic of Poland. In case, if you have submitted the application via mail, the next step is to personally visit the Administration in order to scan the fingerprints.

**Note!** The stamp in the passport, confirming the submitted application, can be received only if the application and the package of provided documents do not contain any formal mistakes. The stamp only allows to legally stay on the territory of the Republic of Poland and does not allow to repeatedly enter Poland with no necessary purposes of crossing the boarder (active residence permit, visa, visa-free movement).



## The documents necessary for the application.

During the submission of the application for the permanent residence permit in the Voivodeship Administration the following documents have to be provided:

- ▶ the application for the residence permit (each Voivodeship has their own specific requirements regarding the number of copies, which have to be provided for the initiation of the consideration of the case);
- ▶ 4 pictures, format 35x45 mm, made within the last 6 months before submitting the application;
- ▶ an original and a copy of a valid travel documents (three copies of the first page with the personal data of the application and one copy of each page, that contains any records);
- ▶ proof of payment of the stamp duty in amount of PLN 640 (applications submitted on the basis of the Pole's Card are free from fee).

## Basic documents, depending on the purpose defined in the application:

- A** Actual copy of a marriage certificate (original should be brought as well).
- B** A copy of spouse's ID confirming Polish citizenship (original should be brought as well).
- C** A birth certificate of child.
- D** Actual copy of a birth certificate (original should be brought as well).
- E** Copy of the Pole's Card and a decision about granting the Pole's Card (original should be brought as well).
- F** Documents confirming Polish origin.

- G** Documents confirming the intention to settle on the territory of the Republic of Poland (on demand of a body making the decision, it can be a contract for rent or purchase of housing, labour contract, a university certificate, etc.).
- H** Certificate of absence of tax arrears.
- I** Other documents on demand of the inspektor considering the case.

**Note! All documents provided in a foreign language have to be provided with a sworn translation.**

One of the stages of getting a permanent residence permit on the basis of Polish origin is an interview with a inspektor, the purpose of which is to verify the ethnic affiliation of a person to the Polish people

**Note! A foreigner that applied for a permanent residence permit after 7th of January 2017 and is an owner of the Pole's Card has right to receive financial help for partial coverage of expenses connected with settling down in Poland for themselves and their family members (a spouse and children). The application should be submitted within the first 3 months since the submitting of application for a permanent residence.**



## ➤ 2. The Pole's Card

*The Pole's Card is a document confirming the foreigner's belonging to the Polish nation. This procedure was initiated in order to return ethnic Poles back to Poland.*

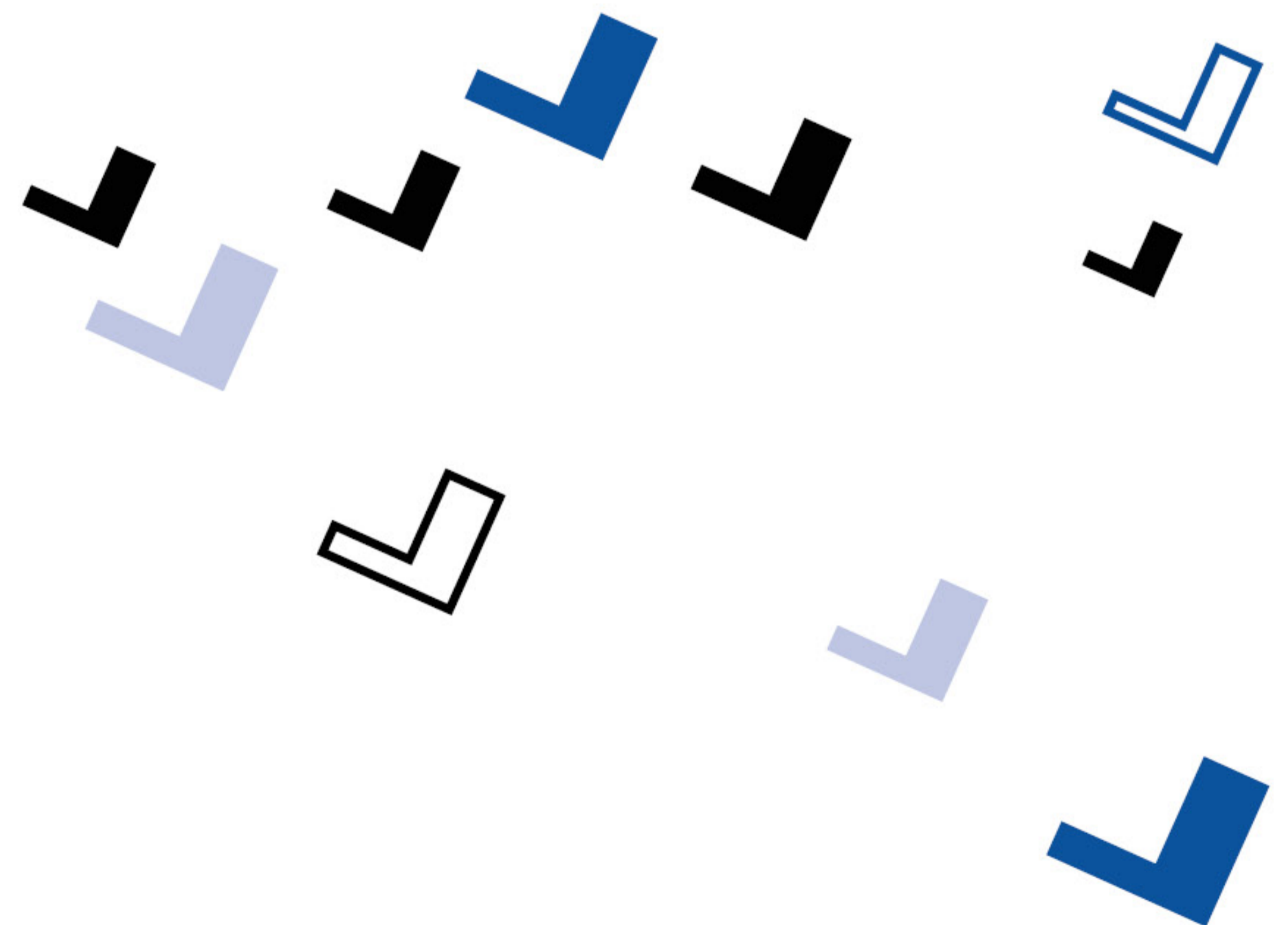
The Pole's Card is not a document granting the right to foreigners to cross Poland's borders without a visa. There are several other conditions that need to be fulfilled.

**The Pole's Card can be received by a person, that declares belonging to the Polish nation and corresponds to the conditions stated in the Act on the Pole's Card of September 7, 2007:**

- A** Documental confirmation of the fact, that one of their parents, grandparents, or two great-grandparents were of Polish nationality, and
  - ▶ will demonstrate their connection with Polishness through at least basic knowledge of the Polish language, considered their mother tongue, as well as knowledge and cultivation of Polish traditions and customs; or/and
  - ▶ provide a certificate from a polonium organization confirming active participation related to the development of the Polish language and culture or the Polish national minority for the period of at least past 3 years (the list of polonium organizations or Polish diasporas authorized to issue such documents is published in the message of Minister of Foreign affairs of August 22, 2016\*);
- B** In the presence of the Polish consul or voivode (who will be indicated under a separate regulation), or an employee appointed by them, the person will submit a written declaration of belonging to the Polish nation;
- C** 4. will submit a declaration that their ascendants have not repatriated or have not been repatriated from the territory of the Republic of Poland or the Polish People's Republic, on the basis of repatriation agreements concluded in the years 1944-1957

by the Republic of Poland or the Polish People's Republic with the Belarusian Soviet Socialist Republic, Ukrainian Soviet Socialist Republic, Lithuanian Soviet Socialist Republic and the Union of Soviet Socialist Republics to one of the states being party to the agreements.

**Note! The Pole's Card can be issued to a person: that on the day of submitting the form and issuing the Card does not obtain Polish citizenship, or does not have permission for permanent residence on the territory of the Republic of Poland, or does not have any citizenship. The Pole's Card can also be issued to a person, whose origin was legally recognized in accordance with the provisions of the Law "On repatriation", and who meets the requirements for knowledge of the Polish language set forth in the Law.**



## The procedure of submitting an application for the Pole's Card

Applications for granting or extending the term of validity of the Pole's Card are submitted to the Consulate of the Republic of Poland competent to the applicant's place of residence or, in accordance with the amendments to the Law "On the Pole's Card", which entered into force on July 29, 2022 - in Voivodeship administrations throughout the territory of Poland.

Citizens of Ukraine, the Republic of Belarus and the Russian Federation, as well as persons who have the status of "stateless" in these countries, have the right to submit documents **on the territory of Poland.**

### The documents required for the application for the Pole's Card:

- ▶ **1 completed application for the Pole's Card.** The blank form and the sample of the filled out form can be found on the official pages of the Voivodeship administrations;
- ▶ **1 photo** (clear image, color photo, taken within the past 6 months, photo format 35x45 mm).
- ▶ **The original of the document confirming identity,** with a photocopy of the page containing personal data, the place of birth and the place of residence.
- ▶ **The originals and the photocopies of the documents** confirming, that at least one of the foreigner's parents, grandparents or two great-grandparents were of **Polish nationality.**
- ▶ In case of active participation in the polonium organizations and the Polish diaspora, the certificate from the polonium organization confirming active participation in the development of the Polish language, culture or Polish national majority should be provided.



The following documents, confirming knowledge of the Polish language, can be added to the application:

- ▶ a certificate of knowledge of the Polish language issued by the State Commission for the Certification of Proficiency in the Polish Language as a Foreign Language,,
- ▶ a certificate issued by an educational facility of the Republic of Poland or a or a school leaving certificate abroad with Polish as the language of study.

If the applicant is unable to present the above-mentioned documents, the assessment of knowledge of the Polish language is carried out by the Consul or Voivode during the interview.

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### **IMPORTANT: the following documents can confirm the Polish nationality of the applicant or his relatives of the ascending line:**

- ▶ **Polish documents confirming the identity;**
  - ▶ **acts and certificates of civil status;**
  - ▶ **baptism certificates, school certificates;**
  - ▶ **documents confirming military service in Polish military formations;**
  - ▶ **documents confirming the fact of deportation or imprisonment, that contain a record of a Polish origin;**
  - ▶ **documents about the rehabilitation of the deported person containing a record of a Polish origin of such person;**
  - ▶ **foreign identity cards, in which the owner's Polish nationality is indicated;**
  - ▶ **certificate issued by a Polish diasporal organization confirming person's active participation in promotion of the Polish language and culture or support of the Polish national minority;**
  - ▶ **the decision, which came into force, about Polish origin, adopted in accordance with the provisions of the Law "On Repatriation";**
  - ▶ **other documents confirming connection with Polish culture, etc**
-



In case of minors (childer under 18 years old) the following documents should be added to the application:

- ▶ **1 completed application** for the Pole's Card.
- ▶ **1 photo** (color photo with clear image, 35x45mm, taken within the past 6 months before the application).
- ▶ **The original and a photocopy of the birth certificate** of the child.
- ▶ **The original and a photocopy of the passport of one/ both parents or legal guardians**, including the photocopies of the pages with personal data, place of birth and place of residence.
- ▶ **The original and a photocopy of the Pole's Card of one or both parents**, including the photocopy (in case if the Pole's Card is obtained by only one parent, another parent should consent to their child receiving the Pole's Card. If the other parent was deprived of parental rights, their consent is not required).
- ▶ If one of the parents does not bear parental responsibility, it is necessary to submit a document confirming such legal status

For the application for the Pole's Card both parents should be present. If one of parents is not present, the following document is also required:

- ▶ **a notarized statement from one of the parents, who cannot be present**, that they give their consent for the issuance of the Pole's Card to the child, a notarized copy of the passport with the parents' data on all pages with the present records (name, surname, place of birth and address of residence)

*Collecting and submitting the application in case of minors is a duty of parents. The procedure for minors under 16 years old differs from the one for children above 16. In accordance with Polish law, a minor above 16 years old has the right to make a decision personally. For this reason they should personally be present at the meeting with the Consul.*

## Interview

If submitting the application for the Pole's Card in Poland, the procedure of submitting the documents and registering for an interview should be clarified at the relevant voivodeship office.

The Consul or Voivoda conducts the interview with the applicant in Polish about Poland, its history, culture, customs and traditions.

If the interview is successful, the Consul or Voivode submits to the applicant for signature a declaration of belonging to the Polish people and a statement that he or his relatives in the ascending line have not repatriated and have not been repatriated from the territory of the Republic of Poland.

In the interview with a minor, parents should also be present. The Consul checks the documents and may ask several questions to the parents and, depending on the age, to the child.

**Note! All the documents submitted in a foreign language, which are evidence in the case, should be submitted with a translation in Polish language made by a sworn translator\***

## The term of consideration of the case

According to the Law, the approximate term for making a decision on granting a Pole's Card is two months from the date of submission of the application.

## Fees

No fees are charged for the submission of an application and consideration of the issue of the Pole's Card at any of its stages.

## Extending the term of validity of the Pole's Card

The term of validity of the Pole's Card can be extended for the next 10 years, if the owner will submit the application no later than 3 months before the expiry of the Pole's Card.

The Pole's Card, issued to a minor, is valid for the next 10 years, but no longer than one year after becoming 18 years old (no later than 3 months before the expiry of the child's document they need to submit special application in the Consulate, if this is not done, the document will be valid for another year, and at the age of 19, the candidate will have to go through another more thorough interview with the Consul, the one that the adults usually go through).

The Pole's Card granted to persons over 65 years old is valid for an unlimited period of time

### Documents, that should be submitted:

- ▶ 1 completed application for extension of the Pole's Card;
- ▶ photo 35x45mm;
- ▶ the original and a photocopy of passport (a valid identity document);
- ▶ the original and a photocopy of the Pole's Card;

If the applicant is a minor, the following documents should be added to the application:

- ▶ the origin and the copy of valid identity documents of both parents or legal representatives, including the copy of the page with personal data, place of birth and the place of residence;
- ▶ in case, if one of parents is deprived of parental rights, the document, that confirms this legal status should be added to the application;

**Note! If a child received the Pole's Card due to their parents' Pole's Card, the document should be updated when the child attains the majority. Due to the general regulations, the validity of the Pole's Card granted to the minor, expires after the card-owner becomes 18 years old. In this case, documents should be submitted no later than 3 months before the expiry term. If the date of submission of the application for the change of the Pole's Card is expired, a new application should be submitted on a general basis, meaning: proving their belonging to the Polish nation, participating in the interview.**



## Change of information in the Pole's Card

If during the period of validity of the Pole's Card there have been changes in personal data, they must be reflected in the document by the relevant authority (Voivodeship administration, Consulate).

### Documents, that need to be submitted:

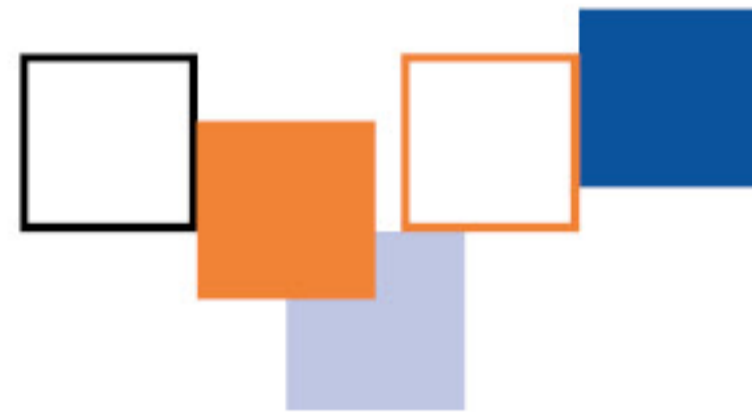
- ▶ an application for change of data in the Pole's Card;
- ▶ photo 35x45 mm;
- ▶ the original and a photocopy of passport (valid identity document);
- ▶ the original and a photocopy of passport before the change of personal data;
- ▶ the original and a photocopy of a document confirming the change of data (eg. marriage certificate, certificate of change of surname);
- ▶ the original and a photocopy of the Pole's Card.

## What to do if a Pole's Card is lost or damaged?

If a Pole's Card is lost or damaged, the consul or voivode who issued the Pole's Card, at the request of the holder, issues a duplicate of the Pole's Card.

### Documents, that need to be submitted:

- ▶ an application for issuance of a duplicate of the Pole's Card;
- ▶ photo 35x45mm;
- ▶ the original and a copy of passport;
- ▶ the original and a copy of the decision regarding the Pole's Card.



## Decision to refuse to give a Pole's Card

A Consul or a Voivoda decides to refuse to give a Pole's Card, if:

- ▶ The applicant does not meet the conditions set out in the section.
- ▶ In the procedure for granting the Pole's Card, the applicant submitted an application containing false information or presented false documents;
- ▶ The applicant or their ascendants have repatriated or have not been repatriated from the territory of the Republic of Poland or the Polish People's Republic, on the basis of repatriation agreements concluded in the years 1944-1957 by Poland with the Belarusian Soviet Socialist Republic, Ukrainian Soviet Socialist Republic, Lithuanian Soviet Socialist Republic and the Union of Soviet Socialist Republics to one of the states being party to the agreements.
- ▶ The applicant has acquired Polish citizenship or obtained a permanent residence permit on the territory of Poland.
- ▶ It is justified by the defense, security or protection of public order in Poland.

- ▶ The applicant acts or has acted to the detriment of Poland, in particular its independence and sovereignty, or has participated or participates in the violation of human rights.

**Note! The refusal to grant the Pole's Card may be appealed against to the Council for Poles Abroad.**

## Withdrawal of a Pole's Card

A consul or voivode (if appointed under the regulation) invalidates a Pole's Card if:

- ▶ Its holder behaves in a way that derogates from the Republic of Poland or Poles.
- ▶ In the procedure for granting the Pole's Card, the applicant submitted an application or attached documents containing false personal data or false information;
- ▶ The applicant testified untruthfully or concealed the truth,.
- ▶ In order to use it as an authentic one, the applicant forged a document or used such a document as authentic.
- ▶ The applicant has acquired Polish citizenship or obtained a permanent residence permit in Poland.
- ▶ It is justified by the defense, security or protection of public order in Poland.
- ▶ The applicant acts or acted against the fundamental interests of Poland.
- ▶ A new Pole's Card has been issued after its holder has changed its data.
- ▶ The foreigner has renounced it.

In the case of issuing a decision to cancel a Pole's Card, its holder is obliged to immediately return the Card to the consul or voivode who issued it.

The decision to cancel a Pole's Card (as well as the decision to refuse to grant a Pole's Card) can be appealed to the Council for Poles Abroad.

**Note! If a foreigner has acquired Polish citizenship or obtained a permanent residence permit in Poland, the Pole's Card becomes invalid by operation of law (no additional decision is issued). In such a situation, the card should be returned to the voivode (competent for the place of stay) within 14 days from the date of receipt of the document confirming the acquisition of citizenship or the day on which the decision on obtaining a permanent residence permit became final.**

### A Pole's Card - financial help

A foreigner that applied for the permanent residence permit in the Republic of Poland after January 1, 2017 and obtained a Pole's Card, is entitled to receive financial help.



### Advantages provided by the Pole's Card

- ▶ official employment in Poland without a work permit;
- ▶ a possibility to conduct a business in Poland;
- ▶ entering and studying in a Polish university for free;
- ▶ a possibility to receive a scholarship and financial help for students;
- ▶ free emergency medical care;
- ▶ free submission of documents for the permanent residence permit;
- ▶ a possibility to receive 37% discount on travels with railway transport on the territory of the Republic of Poland;
- ▶ discounts or free of charge visits in many museums;
- ▶ financial help from the Polish budget for the support of the Poles abroad;
- ▶ a national visa (without a service fee) for the Pole's Card owner and their first-degree relatives with a possibility to cross the border multiple times;
- ▶ a possibility to receive financial aid after submitting an application for permanent residence permit in the Republic of Poland;

The application for financial aid should be submitted in the Voivodeship administration, where the application for permanent residence permit was submitted.

**Note! The application for the financial aid should be submitted within the first 3 months after the application for the permanent residence permit was submitted.**

Financial aid can also be granted to the first-degree relatives (wife/husband, children under 18 years old), who reside on the territory of the Republic of Poland together with the owner of the Pole's Card.

Every owner of the Pole's Card (including minors) can apply for financial aid.

### The documents to submit:

- ▶ complete and signed application for the financial aid;
- ▶ notarized copy of all the pages of the valid identity document, that confirms applicant's identity and citizenship (eg. notarized copy of the pages of the passport, that contain records);
- ▶ notarized copies of the documents confirming applicant's legal stay on the territory of the Republic of Poland;
- ▶ notarized copy of the applicant's Pole's Card;
- ▶ the originals of the birth certificates of all the family members and the marriage certificates or other documents confirming applicant's relationship blood or by marriage;
- ▶ other documents confirming the fact of stay of all the applicant's on the territory of the Republic of Poland (eg. documents from work, employment contract, rental agreement, documents from school, confirmation of conducting business on the territory of Poland etc.);

### The amount of financial support

The financial support can be provided for no more than 9 months. During the first 3 months the beneficiary of the allowance receives 50% of the minimal monthly wage estimated at the moment of submitting the application. This sum is established for the applicant and their spouse. 50% of that sum is established for each of the children. Only those family members who live together with the applicant on the territory of the Republic of Poland can receive the allowance. During the period from 4th till 9th month only 60% of the established sum is to be paid.

### Termination/cancellation of allowance

In case of receiving a negative decision for the permanent residence permit, the allowance won't be paid.

**Note! The allowance is not to be included to the income when submitting an application for additional funds in the Social Assistance Service**



### ➤ 3. Long-term EU residence permit

*The long-term EU residence permit - is a document, that allows a foreigner to permanently stay on the territory of the Republic of Poland, to cross the border freely, to work without specific permits, to conduct business etc.. This permit allows to stay in other countries of the European Union, but not for more, than 90 days during 180 days. If a foreigner intends to stay in other country for a longer period of time and start working, they need to legalize accordingly to the law of that country.*

The deadline for the decision regarding the long-term EU residence permit, according to the law, is 6 months since the moment of providing all needed documents.

This permit is being provided for an undefined period of time, but the plastic card should be renewed every five years with no need to submit a new package of documents.

In order to obtain a long-term EU residence permit a foreigner should legally and permanently stay on the territory of the Republic of Poland for at least 5 years before applying for the permit and at the same time meets the following requirements:

- ▶ has medical insurance;
- ▶ has permanent and stable income during last 3 years before the application, which is enough to sustain foreigner and family members, who are financially supported by the foreigner;
- ▶ has a confirmed place of stay on the territory of the Republic of Poland;
- ▶ obtains a document confirming knowledge of Polish on at least B1 level.



Stay in the territory of the Republic of Poland is considered continuous if no single departure from the country exceeded 6 months, and the total duration of all departures during the last 5 years did not exceed 10 months. Although, there are several exclusions from the rule (for example, business trip, hospital

stay or other justified circumstances, which should be reported to the inspector and provide supporting documents).

5-year long residence period includes a stay on the basis of temporary residence permit, a period of expectation of a temporary residence permit decision, a stay on the basis of a visa and visa-free regime.

The following periods are not being included to the 5-year period of stay:

- ▶ on the basis of visa or a residence permit with a purpose of studies (courses, a vocational college, a university etc.);
- ▶ on the basis of a trans-border movement;
- ▶ during the consideration of the case on granting refugee status in the case when the consideration of the case ended in refusal to grant this status or refusal to grant complementary protection;
- ▶ on the basis of a permit granted due to the purposes, which require short-term residence;
- ▶ in case if a person received a decision regarding a duty to return to a home country, and the term for voluntary return has not yet been specified in the decision, as well as in case of extension of this term;
- ▶ in case, if person have received a decision to live the territory of the Republic of Poland;
- ▶ a in the case of being an employee on a business trip to provide cross-border services;
- ▶ in case of being a member of a diplomatic delegation or a consulate of a foreign country (or a person with equal functions);
- ▶ on the basis of a Schengen visa, which allows only to enter and stay in the Republic of Poland, granted for humanitarian purposes, in the interest of the state or accordingly to the international obligations.

Only half of the 5-year long period of stay is being taken into account:

- ▶ on the basis of visa or a temporary residence permit with purpose of studies in the universities (only full-time form of studies);
- ▶ the stay of foreigners with a status of refugees during the process of review of that status (in case, if the period of consideration of the case is longer than 18 months, the whole period is being taken into account, not a half).

In case of obtaining a Blue Card of EU, a total sum of stay in EU is being added to the 5-year period of stay in the territory of the Republic of Poland, if foreigner stayed in Poland legally and uninterruptedly on this territory for at least 5 years on the basis of a document with an annotation "Blue Card EU", where at least 2 years before applying for the Blue Card were spent on the territory of the Republic of Poland on the basis of temporary residence permit with purpose of performing high-qualification job.

**Note!** In case, if you are working and studying, but the permit was granted for the purpose of studies, the 5-year old period of stay will be considered according to the purpose of stay, specified in the visa or in the decision on granting a residence permit.



**Note!** If a person has breaks between the visas or cards, and does not have other confirmations of purposes for stay (e.g. submitted application for a residence permit), this kind of stay cannot be stated as uninterrupted.

### Submitting application for a long-term EU residence permit to the Voivodeship Administration.

A foreigner, who would like to receive a long-term EU residence permit, should submit an application to the Voivodeship Administration personally or via mail, not later than on the last day of their legal stay in the territory of the Republic of Poland. If the application was submitted via mail, the next step is personal visit to the Administration in order to scan fingerprints..

**Note!** The stamp in the passport, confirming the submission of the application, can be received only in case if the package of documents and the form do not contain formal mistakes. The stamp allows to legally stay only on the territory of the Republic of Poland and does not allow to repeatedly enter Poland without obtaining necessary grounds for crossing the border (valid residence card, visa, visa-free travel days).



## Documents necessary for submission of the application.

When submitting the application for the long-term EU residence permit at the Voivodeship Administration, the following documents should be provided:

- ▶ an application for a residence permit (each Voivodeship Administration has specific requirements regarding the number of copies that must be submitted in order to start the proceedings);
- ▶ 4 photos, format 35x45 mm, made within the last 6 months before submitting the application;
- ▶ and original and a copy of valid travel document (3 copies of the first page, that contains personal data of the applicant and one copy of each page, that contains visas, stamps, other records);
- ▶ documents, confirming 5-year long legal and uninterrupted stay on the territory of the Republic of Poland (copies of visas, decisions, certificate of entry and exit from the territory of the Republic of Poland, etc.);
- ▶ proof of payment of stamp duty in the amount of PLN 640.

## Main documents, confirming the circumstances described in the application:

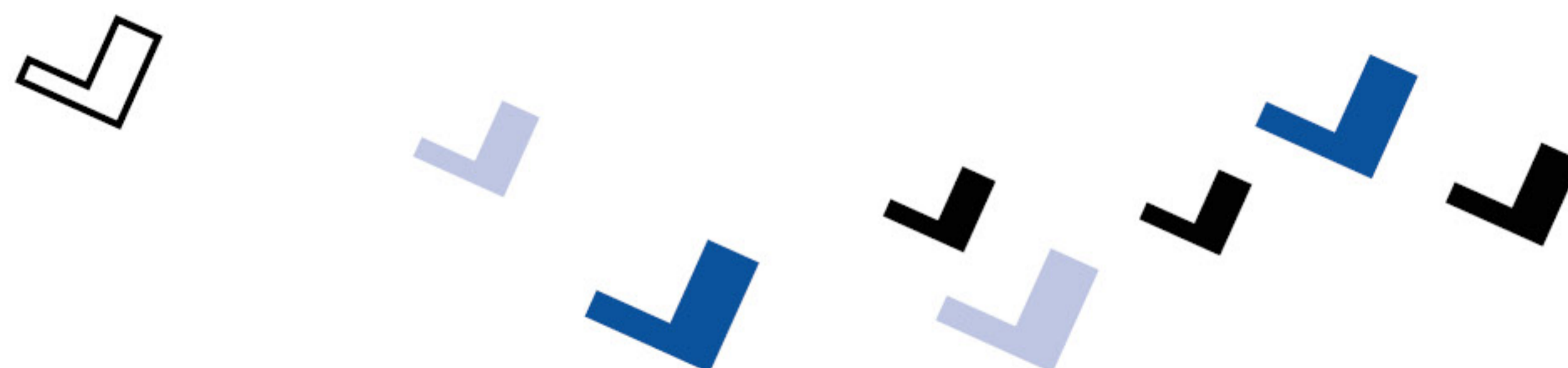
- A** A confirmation of permanent and stable source of income during last 3 years (labour contracts, work permits, tax declarations PIT11/PIT37 with confirmation of applying them to the Tax Administration by the place of residence, a ZUS certificate confirming monthly payments for social insurance, etc.).
- B** A confirmation of obtaining medical insurance.
- C** A confirmation of right for a housing, where the applicant lives (purchase contract, rent contract, etc.).
- D** Certificate of absence of tax arrears.

- E** A document confirming the proficiency in Polish language on at least B1 level (national certificate, a certificate confirming graduation of an educational institution on the territory of the Republic of Poland or abroad with Polish as a language of teaching).
- F** Information about the number of persons, who are being financially supported by the applicant for the last 3 years.
- G** Other documents on the demand of the inspektor, that considers the case.

**Note!** The contract of providing housing for free usage is not considered as a proof of right for housing, excluding the situation, when the housing is being provided by the closest relatives.

**Note!** The requirement of providing a confirmation of proficiency in Polish at least on B1 level is not applicable to foreigners under 16 years old.

**Note!** A long-term EU resident permit can be received by a non-employed spouse on the basis of income of their partner, if they submit one mutual tax declaration (PIT) and they obtain sufficient income for the maintenance of all the family members, in case if all the other conditions are met.







# Obtaining citizenship

## ➤ 1. Citizenship

Foreigner can obtain Polish citizenship in two ways: by granting Polish citizenship or by recognizing it.

According to the law, Polish citizenship can be granted to a minor, if:

- ▶ at least one of the parents has Polish citizenship at the moment of birth of child (blood right principle), or
- ▶ child was born on the territory of Poland, and their parents are unknown or do not have a citizenship or their citizenship is undefined (principle of land law)

Child obtains Polish government if it was found in Poland and it's parents are unknown.

If a minor foreigner till the age of 16 was adopted by a person or persons, who obtain Polish citizenship, it is considered, that foreigner obtains Polish citizenship on their birthday

## 1.1 Granting Polish citizenship

*Granting Polish citizenship* – it's a procedure, according to which the President of the Republic of Poland can grant Polish citizenship to a foreigner, but this can be only done on the request of a foreigner or his legal representatives in case if they are minor.

**Note!** The procedure of granting citizenship by President can take some time, because the regulations of the Code of Administrative Justice are not applied in this case, unlike in case of recognition of Polish citizenship. The applicant should provide solid arguments explaining why they should receive Polish citizenship.



A foreigner, that applies for a Polish citizenship, should provide following documents:

- A** a form on the name of the President of the Republic of Poland filled out in Polish;
- B** 1 photo, clear and undamaged, 4,5 cm x 3,5 cm, which was made within the last 6 months;
- C** a birth certificate, issued by Polish Civil Service Administration, which contains name and surname, birth date and a place of birth of the applicant, name and surname of the parents (also the family name of mother);
- D** a marriage certificate issued by Polish Civil Service Administration within the last 3 months before the application, in case if foreigner is or was married. If the marriage was annulled, it is necessary to submit a document with a stamp of divorce;

- E** a notarized copy of a valid identity and citizenship document (passport, travel document);
- F** a notarized copy of a valid identity and citizenship document of husband/wife of the applicant;
- G** documents, that confirm the foreigner's source of income;
- H** documents confirming the professional achievements (for example, scientific or professional degree), political and civil activity;
- I** if foreigner had obtained Polish citizenship before, they should provide documents confirming Polish citizenship or it's loss and the date of acquisition of a foreign citizenship;
- J** autobiography;
- K** additional documents, which applicant would like to add, for example reference letters, letters from the employer etc.;
- L** a foreigner, that is a parent or a guardian of a minor also should submit:
  - ▶ photo of the minor, included to the application;
  - ▶ birth certificate of minor, issued by Polish Civil Service Administration;
  - ▶ copy of a valid identity and citizenship document of minor (travel document, other document confirming the identity of the citizen of EU);
  - ▶ copy of the permanent residence permit of minor;
  - ▶ confirmation of granting Polish citizenship to a minor, accepted in presence of the Voivode - in case if one of parent lives in Poland, or in the presence of Consul - in case if one of the parents lives abroad or stays in Poland on the basis of obtained visa or no-visa regime;

- ▶ confirmation of consent from a foreigner, that reached the age of 16, to obtain the Polish citizenship, accepted by a Voivode - in case if minor resides in Poland, or Consul - in case, if minor lives abroad, or resides on the basis of a visa or visa-free regime.

The application should be submitted through the Voivode at the place of residence or through the Consul (if the person resides abroad), in person or by mail with a notarized signature.

**Note! If foreigner resides in Poland on the basis of visa or visa-free regime, they can apply for citizenship only via Consul at the place of residence.**

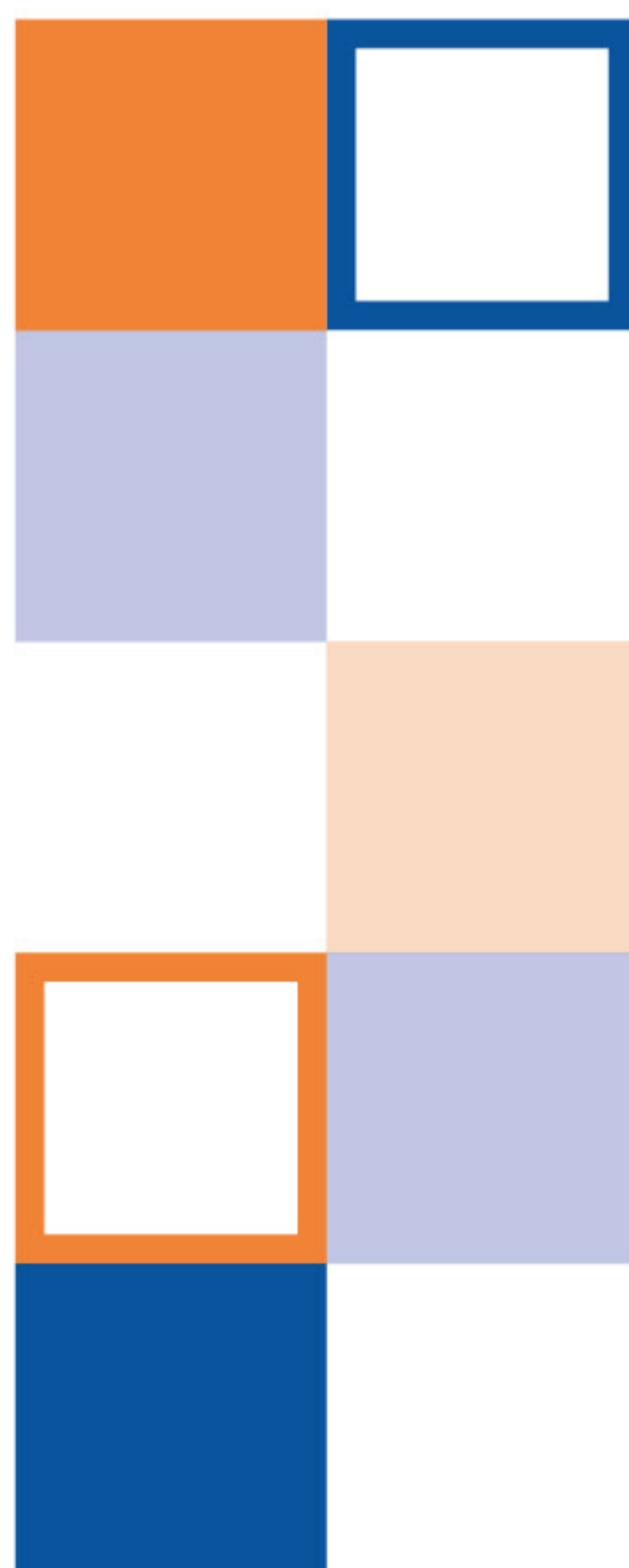
If the application does not meet the formal requirements or contains other deficiencies (absent documents, photos etc.), the body that accepts the applications requests applicant to eliminate all the deficiencies in 30 days since the date of arrival of the application. The request will contain an instruction that failure to eliminate these deficiencies will lead to leaving the application without consideration.

If there are no formal deficiencies, the body accepting the application forwards it together with the attachments and its own opinion to the President of the Republic of Poland through the Minister of the Interior. The competent Minister of the Interior, before submitting the application to the President of the Republic of Poland, is also obliged to prepare an opinion and, for this purpose, may ask the Chief Commander of the Police, the Head of the Internal Security Agency and, if necessary, other bodies for information that may be of significant importance in the case.

A foreigner obtains Polish citizenship in the day when the President of the Republic of Poland issues the decision about granting the Polish citizenship. In their decision, the President is not limited with any conditions, which the foreigner must fulfill in order

to receive Polish citizenship. It means, that the President is able to grant Polish citizenship to any foreigner regardless of, for example, how long he or she has been staying in Poland.

**Note! The President of the Republic of Poland grants or refuses to grant Polish citizenship in the form of a decision that does not require justification and is not subject to appeal.**



## 1.2. The recognition of Polish citizenship

*The recognition of Polish citizenship – is the procedure, according to the which, a foreigner submits the application to the Voivode at the place of residence. In case, if all the formal requirements are met, the Voivode issues a decision about the recognition of Polish citizenship.*

### The Polish citizenship can be granted:

- A** to a foreigner, who resides in Poland uninterruptedly for no less, than 3 years on the basis of a permanent residence permit or a long-term EU residence permit, and who has regular source of income in the Republic of Poland and has right to own housing;
- B** to a foreigner, who uninterruptedly resides in Poland for no less, than 2 years on the basis of a permanent residence permit or long-term EU residence permit, who
  - ▶ is married to a citizen of Poland for no less, than 3 years, or
  - ▶ does not have any citizenship;
- C** to a foreigner, who uninterruptedly resides in Poland for no less, than 2 years on the basis of a residence permit, that they received on the basis of a refugee status granted in the Republic of Poland;
- D** to a minor foreigner, whose parent is a citizen of Poland (or obtains a re-newed Polish citizenship), and who resides on the territory of Poland on the basis of a permanent residence permit, long-term EU residence permit, in case if other parent, who doesn't have Polish citizenship, have provided an agreement to the recognition of the Polish citizenship for their child;
- E** to a foreigner, who legally and uninterruptedly resides on the territory of the Republic of Poland for no less, than 10 years and meets all of the following requirements:
  - ▶ has a long-term EU residence permit or a permanent residence permit,
  - ▶ has a permanent and regular source of income in the Republic of Poland and a legal right to dwell a housing;

**F** to a foreigner, who uninterruptedly lives on the territory of the Republic of Poland for no less, than a year on the basis of a permanent residence permit, which was granted to them on the basis of the Pole's Card.

The documents, that need to be attached to the application mostly overlap with the list of documents presented in the previous part, explaining the procedure of granting of Polish citizenship. Although, there is a significant difference, because a foreigner, that applies for the recognition of Polish citizenship, is obliged to be proficient in Polish language at least on a basic communicative level (at least B1). This fact should be confirmed with a language proficiency certificate received after passing the national exam, or a Polish school graduation certificate (for example, elementary, middle or high school) or a school graduation certificate with Polish as a language of teaching. The language proficiency certificate is being issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language

**The following documents confirming the information, provided in the application, should be submitted:**

- A** an application for the recognition of Polish citizenship submitted in Polish;
- B** 1 photo, undamaged, in colour, 4,5 cm x 3,5 cm, taken within the last 6 months;
- C** a birth certificate issued by the Polish Civil Service Administration, which contains name and surname, birth date and the place of birth of the applicant, name and surname of parents (including the family name of mother);
- D** a marriage certificate issued by the Civil Service Administration within the last 3 months before the application, in case if foreigner is married. In case if marriage was annulled, the copy of the document with a stamp about divorce should be provided;
- E** a notarized copy of a valid identity and citizenship document (a passport, travel document);

- F** a notarized copy of a permanent residence permit or a long-term EU residence permit;
- G** an official confirmation of Polish language proficiency of at least B1;
- H** a form containing information about dates of departure and arrival back to Poland during all the needed permanent residence periods;
- I** a document, that confirms the citizenship of the foreigner's spouse (for example, a notarized copy of the passport page, that contains personal data of the owner);
- J** a document confirming professional achievements (for example, scientific or professional degree etc.) and political and civil activities;
- K** if a foreigner have had Polish citizenship before, the document confirming this fact or the fact of loss and acquisition of other foreign citizenship should be provided;
- L** additional documents, which applicant would like to add (a letter of reference, a recommendation letter from an employer etc.);
- M** a proof of payment of the state fee in the amount of PLN 219 for the decision on recognition of Polish citizenship;
- N** a foreigner applying for recognition of Polish citizenship on the basis of points 1 and 5 (see above) must additionally submit:
  - ▶ documents confirming permanent and regular sources of income in Poland (for example, a certificate from the place of work, a decision on the appointment of retirement and disability pension, etc);
  - ▶ a document confirming the ownership of housing (for example, the ownership of an apartment or a lease agreement).

A foreigner who has a minor child under his parental care additionally adds:

- ▶ a photograph of the minor included in the application;
- ▶ the minor's birth certificate issued by the Polish Civil Service Administration;
- ▶ copies of a valid document proving the identity and citizenship of the minor (passport, travel document or other identity document of an EU citizen);
- ▶ copy of the minor's permanent residence card;
- ▶ confirmation of consent to the recognition of the minor as a Polish citizen, taken in the presence of the Voivode - when one of the parents resides in Poland, or the Consul - from a person residing abroad or staying on the basis of a visa or visa-free regime;
- ▶ confirmation of a minor foreigner who has reached the age of 16 years of consent to the recognition of Polish citizenship, accepted by the Voivode - if the minor resides in Poland, or by the Consul - if the minor resides abroad or is on the basis of a visa or visa-free regime



## ➤ 2. Repatriation

*Repatriation means the return to their homeland of people of Polish origin and is one of the ways of acquiring Polish citizenship. This right is available only to people who do not have Polish citizenship and wish to permanently resettle to the Republic of Poland.*

The government of the Republic of Poland treats the repatriation action as the fulfilment of a moral obligation and compensation for historical injustices to compatriots coming mainly from the Asian part of the former USSR. The Repatriation Act enables those people or their descendants who, due to deportation, exile and other national and political persecution, could never settle in Poland to return to the country.

### **The applicant should fulfil the following requirements:**

- A** to obtain Polish origin;
- B** to permanently reside on the territory of the present Republic of Armenia, Republic of Azerbaijan, Georgia, Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Tajikistan, Turkmenistan, Uzbekistan as well as the Asian part of Russia till 1 of January, 2001;
- C** not to have rejected application for a national visa for repatriates, described in the article 10 of the Repatriation Act.

Repatriation in Poland means going through the following stages: confirmation of the Polish origin, obtaining national visa, migration to Poland and application for the Polish citizenship.

In order to receive national visa for repatriates (D19) the following documents should be submitted:

- A** filled out application;
- B** photo, that meets visa requirements;
- C** autobiography of the applicant;

- D** birth certificate;
- E** documents, which confirm family state (marriage certificate, birth certificate of children and other.).
- F** documents, that confirm the fact of permanent residence of the applicant till 1 of January, 2001 on the territories of the present Republic of Armenia, Republic of Azerbaijan, Georgia, Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Tajikistan, Turkmenistan, Uzbekistan as well as the Asian part of Russia.
- G** documents, that prove Polish origin.
- H** other documents, which applicant sees important for the decision process or documents, which are demanded by the decision making body in the process of review of the case.

There is a possibility for the relatives of the person, which have met the requirements of the repatriation, received the visa (D17) and then obtained the citizenship, to follow this program.

**Note!** The repatriation program can also be used by the repatriate's child, who is not a direct descendant of the applicant (for example, an adopted child). Acquiring the repatriate status should also be agreed on by the birth though. Direct descendants can be included to the IV stage of the program as well as spouses. The main requirement is to confirm the intention to settle in Poland on a permanent basis.

### The next step is to move to Poland. There can be several ways to move to Poland in order to repatriate

- ▶ independent search for housing and work in Poland before the application for visa. The housing can be owned, rented or provided for usage. It's important to insure it for the first 2 years of staying in Poland. The same condition is provided for the place of work.
- ▶ receiving housing from close relatives, who live in Poland (they can receive financial help for the family and for each member of the family in order to purchase real estate).
- ▶ arrival via the Adaptation Center (Ośrodek adaptacyjny dla repatriantów). It's a repatriation path, which provides 3-months stay in center and organization of language, adaptation and professional courses.
- ▶ the arrival on the invitation of the municipality. The municipality is obliged to check the possibility to accept repatriates before or after receiving the request from the candidate and respond to the request.

### After the arrival to Poland, repatriate should:

- ▶ Register in the Civil Service Administration their civil state certificates together with the Polish translation made by a sworn translator.
- ▶ Apply to the Voivodeship Office at the place of residence for confirmation of Polish citizenship.
- ▶ Apply for an identity card at the City Hall or Municipal Office, register for permanent residence and apply for a PESEL number.

### A repatriate can count on the following points after entering the Republic of Poland:

- ▶ A refund of costs of travel and of transfer of property to the place of stay for repatriate and each family member.
- ▶ A refund of daily expenses of the repatriate and each of their family members in Coverage of current expenses for the repatriate and each member of his family in the amount of two average salaries.
- ▶ A refund of costs for mandatory education of children.

### After arriving and obtaining the citizenship a repatriate can count on:

- ▶ Up to PLN 6000 of compensation of expenses for major repairs and / or adaptation of the dwelling.
- ▶ On help in a form of added payment for: rent for an apartment or a house (not more, than the price stated in the contract), staying in a student dormitory (up to PLN 300 per month), expenses for acquiring a flat or a house (up to PLN 300 per month). The total sum of this kind of help cannot be higher than PLN 25 000 for a repatriate and each member of their closes family. Financial help for the satisfaction of housing needs can be provided for no longer than 10 years since the day of arrival of a repatriate to Poland or the end of stay in the adaptation center.

The Act also provides for the possibility of recognizing a person **who is already in Poland** for other reasons as a repatriate. The conditions for acquiring the status are the same as those mentioned above, but at the same time it is possible to count on the repatriate status if the applicant meets one of the requirements:

- ▶ is a student or graduated from Polish university no longer, than 12 months ago;
- ▶ stays in Poland on the basis of a permanent residence permit and also has a permanent income and a place of stay;

A spouse of a repatriate, who stays in Poland on the basis of a permanent residence permit and has an insured place of stay, can also be recognized as a repatriate.

A decision on recognition of someone as a repatriate is being made by a Voivode at the place of residence of an applicant.

### Documents, that have to be added to the application:

- A** an autobiography of an applicant;
- B** current photos of the applicant;
- C** a decision of consul regarding the confirmation of Polish origin of an applicant;
- D** an official notarized copy of a valid identity and citizenship document;
- E** a copy of a birth certificate of an applicant;
- F** a copy of a marriage certificate or other document confirming the civil state of an applicant;
- G** a notarized copy of a document confirming the place of residence of an applicant;
- H** documents confirming the fact of permanent residence of an applicant till 1 of January, 2001, on the territories of the present Republic of Armenia, Republic of Azerbaijan, Georgia, Republic of Kazakhstan, Republic of Kyrgyzstan, Republic of Tajikistan, Turkmenistan, Uzbekistan as well as the Asian part of Russia.

**Note! The documents submitted in a foreign language, should have a translation in Polish, made by a sworn translator.**

Before making a decision about recognition of a repatriate, Voivode submits a request to the Head of the Internal Security Department and to the Head of the Foreign Intelligence Agency and, if necessary, the Head of the Border Guard Department, the Voivodeship Police Commander and the President of the Institute of National Remembrance for the transfer of data and information about the person applying for this decision.

Acquisition of Polish citizenship under the procedure of recognition as a repatriate occurs on the day when the decision on recognition as a repatriate becomes final.



## Annex 1



## Rates of stamp duties for foreigners

Stamp duty rate, PLN	Type of document
440	A permit for temporary residence and work
440	Temporary residence permit for work in a profession requiring high qualification
440	Temporary residence permit for the purpose of intra-corporate transfer and long-term mobility
170	Temporary residence permit for seasonal work
340	Temporary residence permit (other cases)
10*	Duplicate of the decision
27	Entering an invitation to the invitation register
220	Change of residence and work permit
10	Change of residence and work permit for a profession requiring high qualification
10	The solution is to provide financial assistance to the holder of the Card of the Pole
640	Permanent residence permit
free from 2 of September, 2020	Permanent residence permit on the basis of the Pole's Card
640	Residence permit as a long-term EU resident
406	Extension of Polish visa validity period
30 euro	Extension of Schengen visa validity period
17	Issuance of power of attorney



## Issuance and replacement of documents

100	Issuance of a residence card
350	Issuance of Polish travel document for a foreigner
100	Issuance of Polish identity card for foreigners
100	Issuance of "tolerated stay permit"
50	Issuance of a temporary Polish travel document for a foreigner
200	Replacement of residence card
700	Replacement of Polish travel document for a foreigner
200	Replacement of a Polish identity document for a foreigner
200	Replacement of the document "permit for permissible stay"
300	Repeated replacement of the residence card
1050	Repeated replacement of a Polish travel document for a foreigner
300	Repeated replacement of a Polish identity document for a foreigner
300	Repeated replacement of the document "permit for permissible stay"
50	Issuance or replacement of residence permit to minors who are under 16 years old on the day of submission of the application for issuance or replacement of residence permit / pupils of secondary schools and students.
175	Issuance or replacement of a Polish travel document for a foreigner to minors under 16 years of age on the day of application / school pupils (except primary school students) and students
25	Issuance or replacement of a temporary Polish travel document for a foreigner to minors under 16 years of age on the day of application, pupils of schools (except primary) and students

## Work permit

100	Obtaining a work permit type A, B, C and E for more than 3 months
50	Obtaining a work permit type A, B, C and E for up to 3 months
50	Extension of work permit type A, B, C for more than 3 months
25	Extension of previously issued work permit type A, B, C for up to 3 months
200	Obtaining a type D work permit
100	Extension of a type D work permit
100	Application for entrusting work to a foreigner

\*depends on the number of pages (5 PLN for each page), usually 10 PLN

**If you are looking for free legal, psychological or legalization consultations, etc., visit the Institute of Migrant Rights!**

**Register and make an appointment for:**

- ▶ a consultation on legalization issues
- ▶ a consultation with a psychologist
- ▶ a consultations with a legal counsel
- ▶ a consultations with a lawyer
- ▶ a consultations with a career guidance specialist
- ▶ a consultation with the inspector of the Labor Code
- ▶ a consultations with an entrepreneurship specialist

You can register by email:

[zapisy@instytut.eu](mailto:zapisy@instytut.eu)

or by phone:

+48 510 011 846

+48 571 330 203

You can receive general information by writing here:

[biuro@instytut.pm](mailto:biuro@instytut.pm)

**Our address:**

ul. Ruska 46A/202, Wrocław

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