



Kraków



GUIDE TO LEGALIZATION OF STAY AND EMPLOYMENT PROCEDURES FOR FOREIGNERS IN POLAND

PUBLIC TASK CO-FINANCED FROM THE RESOURCES OF THE CITY OF KRAKOW



Biuro Miejski Ośrodek Wspierania Inicjatyw Społecznych



ul. Batorego 2/28
Info@migrant.krakow.pl
+48 12 312 06 46

Guide to

legalization of stay and
employment procedures
for foreigners in Poland

Developed by: Adam Bulandra, PhD

Editorial office: Jakub Kościółek, PhD

Legal status as of 1 October 2018.

The publication was developed as part of the: "Open Krakow" program - an information point with advice in foreign languages, co-financed by the City of Krakow



**Biuro Miejski Ośrodek Wspierania
Inicjatyw Społecznych**

The author is responsible for the
content of the publication.



Krakow 2018

ISBN: 978-83-933307-9-9

INTERKULTURALNI Association PL, Lwowska 2A/48, 30-548 Krakow, "U-WORK"

Foundation for Polish-Ukrainian Cooperation, Batorego 2/28 31-135 Krakow

Zustricz Foundation, Norymberska 10A/26, 30-376 Krakow

Foundation for Support of Polish Language and Culture, Mikołaja Reja, Nad Potokiem 20, 30-830
Krakow



TABLE OF CONTENTS

INTRODUCTION 8

PART I. STAY OF EU CITIZENS 9

CHAPTER I. PROCEDURE FOR ENTRY AND STAY OF EU CITIZENS AND THEIR FAMILIES 9

1. Entities subject to the entry and stay procedure for EU citizens and their families: 9
 2. Definitions relevant to the proceedings: 9
 3. Entry and exit to / from the territory of the Republic of Poland 10
 4. Right of residence 11
 5. Permanent residence of EU citizens and their family members 14
 6. Expulsion from the territory of the Republic of Poland 17
 7. Information duties of state authorities 18
 8. Consequences of violation of the residence registration or residence card 18
- Appendix 1 - List of countries whose citizens are exempt from the obligation to have a visa in the EU 19
- Most exemptions apply to nationals if they have a biometric passport 20

PART II. LEGALIZING RESIDENCE OF THIRD COUNTRY NATIONALS – PROCEDURES 21

CHAPTER I. PROCEDURES FOR JOB ACTIVITY 21

SUBSECTION I. PROCEDURE FOR OBTAINING A WORK PERMIT, AND TIME FOR STAY AND WORK 21

1. Entities entitled to work in Poland (by type of separate residence permits): 21
 2. Exemption from obtaining a work permit 24
 3. Procedure for obtaining a work permit in standard mode 29
 4. The procedure for obtaining a work permit in the procedure for authorization for temporary stay and work - art. 114 and the Act on foreigners 36
 5. Required documents: 41
 6. Form of handling the matter 41
 7. Deadlines 41
 8. Duties related to losing the basis of residence. 42
- Scheme of proceedings 42
- Appendix 1 to the procedure: business sub-classes regarding permits for seasonal work 43
- Appendix 2 - categories of professions for which a work permit is issued without the need for obtaining information from the starost - Malopolska Region 44
- Appendix No. 3 - the amount of fees related to submitting an application for a permit to work or register a statement 45
- Appendix 4 - list of professions for which the voivode issues a work permit without having to obtain the information referred to in art. 88C par. 1 point 2 Act 46
- Appendix No. 5 - documents submitted to issue a work permit in regular mode 47
- Appendix No. 6 - classification of work permits 49

Subchapter II. PROCEDURE FOR OBTAINING SEASONAL AUTHORIZATION AND TIME OF RESIDENCE IN CONNECTION WITH SEASONAL WORK 50

1. Entities covered by a seasonal work permit	50
2. Conditions for issuing an authorization	50
3. Authorization procedure	51
4. Employer's obligations	53
5. Long-term seasonal work permit	53
6. Conditions for changing the permit	54
7. Renewal of the permit	54
8. Refusal to grant a work permit	55
9. Withdrawal of the permit	56
10. Temporary residence permit and seasonal work	56
11. Required documents	58
12. Form of handling the matter	58
13. Obligations related to losing the basis of residence	59
Scheme of proceedings	59

Subchapter III. PROCEDURE FOR WORKING IN POLAND BASED ON STATEMENT OF EMPLOYER

1. Entities covered by a seasonal work permit based on a declaration	60
2. Conditions for entering a declaration in the register	60
3. The procedure for issuing permits	60
4. Obligations and information duties of the entity entrusting work and the foreigner	61
5. Transition from work based on a work statement based on authorization	62
6. Conditions for changing the permit	62
7. Refusal to enter a declaration into the register	62
8. Required documents	64
9. Form of handling the matter.....	64
10. Duties related to losing the basis of residence.....	64
Scheme of proceedings	64

Subchapter IV. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT AND WORKING IN A REQUESTED PROFESSION OF HIGH QUALIFICATIONS - A BLUE EU CARD 65

1. Entities covered by a statutory authorization (temporary residence and work - article 127 and n. of the Act) about foreigners)	65
2. Entities authorized to work in Poland in high demand occupations and qualifications (by type of separate residence permits)	65
3. Exemption from obtaining a work permit. Exemption from the labour market test	66
4. Procedure for obtaining a work permit in a highly qualified job	67
5. Required documents	71
6. Form of handling the matter.....	71
7. Payment - for issuing a temporary residence permit, stamp duty - Deadlines	71
8. Duties related to losing the basis of residence.....	71
Scheme of proceedings	72

SUBPART V. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT AND WORK AS MANAGERIAL MANAGEMENT AND SHAREHOLDER OF COMPANIES THAT EMPLOY

1. Entities covered by a statutory authorization (temporary residence and work - Article 126 of the Act about foreigners)	73
---	----

2. Entities entitled to work in Poland and perform functions on the boards of entities entered into the register (by type of separate residence permits) 73	
3. Exemption from obtaining a work permit for managerial staff without shares 73	
4. Procedure for obtaining a work permit in the standard mode for managerial staff 75	
5. The procedure for obtaining a work permit in the proceedings for a residence permit time and work for managerial staff without shares - art. 126 of the Act on Foreigners 76	
6. Required documents 79	
7. Form of handling the matter	80
8. Deadlines	80
9. Duties related to losing the basis of residence	80
Scheme of proceedings	80

SUBPART VI. PROCEDURE FOR OBTAINING RESIDENCE PERMIT AND KEEPING BUSINESS ACTIVITIES IN POLAND, INCLUDING AS A MANAGEMENT BOARD OF COMPANIES WHO ARE SHAREHOLDERS 81

1. Entities covered by a statutory authorization (temporary residence and business (Article 142 of the Act on Foreigners) 81	
2. Entities authorized to conduct business in Poland and form such activity 81	
3. Conditions for granting a temporary residence permit in connection with business activity 84	
4. Conditions for granting a temporary residence permit for management staff and proxies of companies formed by foreigners 88	
Scheme of proceedings	90

CHAPTER II. PROCEDURES FOR TEACHING VOCATIONAL TRAINING AND VOCATIONAL TRAINING IN THE TERRITORY OF POLAND 91

SUBPART I. PROCEDURE FOR OBTAINING A TEMPORARY RESIDENCE IN CONNECTION WITH A STUDY OR A PREPARATORY COURSE FOR STUDY 91

1. Entities covered by a statutory authorization (temporary residence and study education) (Article 144 of the Act on Foreigners) 91	
2. Definitions relevant to the procedure 91	
3. Conditions for issuing a temporary residence permit in connection with studies or a preparatory course for studies 92	
Appendix No. 1 - certificate from the university on admission to studies 97	

Subchapter II. PROCEDURE FOR OBTAINING AUTHORIZATION FOR TEMPORARY RESEARCH IN CONNECTION WITH OTHER FORMS OF EDUCATION

THAN STUDIES AND IN CONNECTION WITH THE GRADUATE STATUS 98

1. Entities covered by a statutory authorization (optional) (temporary residence in Poland in connection with the education or graduate status (Article 187 (1) (1a) and (b) and 2 Act on foreigners) 98	
2. Definitions relevant to the procedure 98	
3. Conditions for issuing a temporary residence permit in connection with the education or the status of a graduate of a Polish university 99	

CHAPTER III. PROCEDURES RELATED TO FAMILY TIES 104

SUBPART I. PROCEDURE FOR ACQUISITION OF RESIDENCE OF POLISH CITIZENS' FAMILY MEMBERS 104

1. Entities covered by a statutory authorization (temporary residence of spouses (Article 158 of the Act on foreigners) 104	
2. Definitions relevant to the procedure 104	
3. Conditions for granting a temporary residence permit for spouses of Polish citizens 105	
Appendix 1 - application for the location of a foreign act in Polish civil status books (attachment from	

Krakow) 109

SUBPART II. PROCEDURE FOR OBTAINING THE RESIDENCE FOR MEMBERS OF THE FAMILY OF POLISH CITIZENS 111

1. Entities covered by a statutory authorization (temporary residence of family members of Polish citizens (Article 158 of the Act on foreigners) 111
2. Definitions relevant to the procedure 111
3. Conditions for granting a temporary residence permit for family members of Polish citizens 111

Appendix No. 1 - application for the location of a foreign act in Polish civil status books (attachment from Krakow) 115

Subchapter II. PROCEDURE FOR RESIDENCE FOR TEMPORARY RESEARCH IN CONNECTION WITH FAMILY 117

1. Entities covered by a statutory authorization (temporary residence related to family reunification) (Article 159 of the Act on foreigners).117
2. Definitions relevant to the procedure 117
3. Conditions for granting a temporary residence permit in connection with the family 117

Subchapter IV. PROCEDURE FOR GRANTING TEMPORARY RESIDENCE IN CONNECTION WITH FAMILY - SPECIAL CASES 122

1. Entities covered by optional statutory authorization (administrative recognition) (temporary stay in connection with family reunification (Article 160 of the Act on Foreigners) 122
2. Definitions relevant to the procedure 122
3. Conditions for granting a temporary residence permit in connection with a merger with a Polish citizen or a foreigner who enjoys the freedom of movement of persons and in connection with with family life 122

Subsection V. PROCEDURE FOR TEMPORARY RESEARCH IN CONNECTION WITH FAMILIES -

STAYING IN POLAND 128

1. Entities covered by a statutory autonomous permit (temporary residence in connection with family reunification in a situation of long-term stay in Poland (Article 161 of the Act about foreigners) 128
2. Definitions relevant from the point of view of proceedings 128
3. Conditions for granting a temporary residence permit for continuation of the stay in Poland in connection with the family - independent stay 129

SUBPART VI. PROCEDURE FOR OBTAINING A TEMPORARY RESIDENCE IN RESPECT OF FAMILY LIFE AND CHILDREN'S RIGHTS 134

1. Entities covered by a statutory authorization (optional) (temporary residence in Poland related to respect of family life and children's rights (Article 187 (1) (6) and (7) Act on foreigners) 134
2. Definitions relevant to the proceedings 134
3. Conditions for granting a temporary residence permit in respect of life family and children's rights 134

CHAPTER IV. OTHER GROUNDS FOR SHORT TERM STAYS IN POLAND 137

SUBPART I. SHORT STAYS 137

1. Entities covered by a statutory authorization (short-term temporary residence (Article 181 of the Act on foreigners).137
2. Conditions for granting temporary residence permit due to circumstances requiring a short stay 137

Subchapter II. TEMPORARY STAY IN POLAND OF LONG-TERM RESIDENTS OF THE EUROPEAN UNION

FROM OTHER COUNTRIES 141

1. Entities covered by a statutory permit (obligatory) (temporary residence in Poland of long-term EU residents from other Member States and their families (Article 186 paragraph 1 items 3 and 4 of the Act on foreigners) 141
2. Definitions relevant to the proceedings 141
3. Conditions for granting a temporary residence permit in connection with facilitating migration and work of persons based on separate international agreements.....141

CHAPTER V. PROCEDURES CONCERNING A RESIDENCE PERMIT IN POLAND 146

SUBSECTION. I. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT IN POLAND 146

1. Entities covered by a statutory authorization (permanent residence in Poland) (Article 195 of the Act about foreigners) 146
2. Definitions relevant to the procedure 146
3. Conditions for granting a permanent residence permit 148

Subchapter II. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT FOR

EU RESIDENTS IN POLAND 153

1. Entities covered by a statutory authorization (residence of a long-term EU resident) (Article 211 of the Act on foreigners) 153
2. Definitions relevant to the procedure 153
3. Conditions for issuing a residence permit for a long-term EU resident 155

CHAPTER VI. PROCEDURES RELATED TO CONFIRMING POLISH ORIGIN AND OBTAINING CITIZENSHIP 159

1. Polish Card 159
2. Determination of Polish origin 163
3. Obtaining Polish citizenship 164

Appendix No. 1 List of Polish or Polish diaspora organizations entitled to issue certificates confirming active involvement in activities for the benefit of Polish language and culture or of a Polish national minority 168

PART III. DOCUMENTS ISSUED TO FOREIGNERS 169

1. Types of documents issued to foreigners 169
2. General conditions for issuing documents to foreigners 169
3. Required documents:.....169
4. Form of handling the matter 170
5. Deadlines 171
6. Regulations particular to specific types of documents 171

PART IV. INFRINGEMENT OF BASIS AND PRINCIPLES OF STAY IN POLAND 177

1. Obligation to return to the country of origin 177
2. Conditions for extending stay in Poland 178
3. Basis for issuing a return decision 178
4. The grounds for not issuing a commitment to return 181
5. Expiration of the decision to return 182
6. Effects of issuing a return decision 183
7. Procedure for issuing return commitment decisions 183
8. Consent to stay for humanitarian reasons 187
9. Permit to tolerated stay 188

10. Expiry of consent for tolerated stay or humanitarian stay 189

INTRODUCTION

Our aim is to inform foreigners and persons assisting them with the most accurate procedures regarding the legalization of stay of foreigners in Poland, based on the most common legal foundations. This collection is not complete, yet useful for over ninety percent of foreigners seeking to stay in Poland. The collection was based on the laws on foreigners, the act on entry and stay of EU citizens and their family members, the Polish Charter, repatriation, Polish citizenship and, finally, the act on the promotion of employment and labour market institutions. The texts of the laws have been converted into a more comprehensible language, as well as many references have been eliminated to regulations found in different places, which is always a shortcoming of reading and orientation in a given legal act. The publication reflects the legal status as of 1 October 2018.

Procedures were created within the framework of the Information Centre for Foreigners, run by the Foundation for Polish-Ukrainian Cooperation "U-WORK", in partnership with the Zusticz Foundation, the Foundation for the Support of Culture and Polish Language, Mikołaj Rej and the INTERKULTURALNI PL Association. The author of the procedures is legal counsel Dr Adam Bulandra, who has specialized in issues related to the legalization of stays of foreigners since 2002. The Information Point project is part of the "Open Krakow" Program, which is a long-term strategy program for integrating migrants in Krakow. The program is financed and implemented by the majority of the municipalities of the commune and the Centre for Supporting Social Initiatives co-ordinated by the City Office.

The set of given procedures is aimed to facilitate the orientation of particular types of stays of foreigners in Poland, requirements for such stays and documentation that must be collected. However, this publication is not a source of law, and its authors hold no responsibility for persons who rely on its content as part of proceedings for legalizing a stay in Poland.

Team of the Information Centre for Foreigners in Krakow

Part I. Stay of EU citizens

CHAPTER I.

PROCEDURE REGARDING THE ENTRY AND STAY OF EU CITIZENS AND THEIR FAMILIES

1. Entities subject to entry and stay procedures for EU citizens and their families:

- Citizens of the European Union Member States,
- Citizens of the Member States of the European Free Trade Agreement (EFTA) - parties to the Agreement on the European Economic Area,
- Citizens of the Swiss Confederation,
- Family members of the citizens referred to above who join or stay with them.

2. Definitions relevant to the proceedings:

- family member of an EU citizen - a foreigner who is or is not an EU citizen but who is also:
 - the spouse of an EU citizen,
 - direct descendant of an EU citizen or his/her spouse, up to 21 years of age or dependent of an EU citizen or his spouse,
 - a direct pre-EU citizen or his/her spouse who is dependent on an EU citizen or his/her spouse;
- marriage - the relationship of one woman and one man, recognized by Polish law, and which therefore has been concluded either in Poland as a civil or religious marriage in churches with which the Republic of Poland has concluded agreements on regulating the relationship between the state and the church, or by a competent office of a third country, or in a religious rite confirmed as legal by the third country in which such a marriage was concluded. Note: in accordance with the judgement of the Court of Justice of the European Union, each spouse of a Union citizen who has married him/her under the law of a given Member State has the right of residence and freedom of movement without discrimination and thus on the terms set by the State of residence (Relu Adrian Coman et al. C-673/16)
- marriages of convenience - a marital relationship in factual circumstances, from which it follows that:
 - one of the spouses has accepted a property advantage in exchange for consenting to the marriage, unless it results from a well-established custom in a given country or social group,
 - the spouses do not fulfil the legal obligations arising from the marriage (see procedure - temporary stay connected with family reunification pg. 122),
 - the spouses do not live together,
 - the spouses never met before the marriage,
 - the spouses do not speak a language understandable to both,
 - the spouses are not in agreement about their personal data and other relevant circumstances that concern them,
 - in the past, one or both spouses have already entered into marriages of convenience.

Marriage concluded for reasons of convenience does not give the spouse of an EU citizen the right to stay in Poland.

- identity document - in proceedings of cases concerning EU citizens and their families, EU citizens or a family member of an EU citizen, in the case of the lack of the possibility of presenting a travel document or other document confirming their identity and citizenship, may provide evidence other than

an official document that will confirm their identity and citizenship in an unquestionable manner.

- uninterrupted stay - a stay on the territory of the Republic of Poland is considered uninterrupted, if the breaks in it have not exceeded a total of 6 months in a year. The stay on the territory of the Republic of Poland is not considered interrupted if leaving Poland for a period longer than 6 months is due to:
 - compulsory military service,
 - an important personal situation, in particular; pregnancy, childbirth, illness, studies, vocational training, and secondment, which requires a stay outside this territory, provided that this period is no longer than 12 consecutive months

The stay on the territory of the Republic of Poland interrupts the execution of the decision on the expulsion of an EU citizen or a member of a family who is not an EU citizen.

3. Entry and exit to/from the territory of the Republic of Poland

I. General conditions of an entry permit:

- An EU citizen may enter the territory of the Republic of Poland on the basis of a valid travel document or another valid document confirming his/her identity and citizenship.
- A family member who is not an EU citizen may enter the territory of the Republic of Poland on the basis of a valid travel document and a visa, unless the regulations provide otherwise.
- The visa requirement does not apply to:
 - a citizen of a country with a partial or total abolition of the visa requirement, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001, setting out third countries whose citizens must have visas when crossing external borders, and whose citizens are exempt from this requirement (Official Journal of EC L 81, 21.03.2001, page 1) as amended by Council Regulation (EC) No. 2414/2001 of 7 December 2001 amending Regulation (EC) No. 539/2001 (Official Journal of WE L 327, 12.12.2001, p.1) and Council Regulation (EC) No. 453/2003 of 6 March 2003 amending Regulation (EC) No. 539/2001 (Official Journal of EU L 69 of 13.03.2003, page 10) (see Appendix No. 1 to the procedure);
 - a non-EU family member holding a valid document issued by another Member State corresponding to a residence card of an EU citizen's family member or permanent residence card of an EU citizen's family member.
- A family member who is not an EU citizen is issued a Schengen visa or a national visa to join or stay with a member state citizen.
- A family member who is not an EU citizen shall be refused a visa when:
 - the entry shall take place during the period of entry on which the person is listed as a foreigner whose stay on the territory of the Republic of Poland is undesirable, or;
 - his/her stay on the territory of the Republic of Poland may pose a threat to the defence or security of the state or the protection of public safety and order or public health. This premise cannot be invoked for economic reasons. An independent ground for refusal cannot be an earlier act of criminality.
- The visa is issued or refused by the consul or the commander of the Border Guard post immediately after submission of the application, providing the family member is in possession of all the permissible visas for obtaining the visa.
- The consul's refusal to issue a visa is made by way of a decision.
- The decision on refusal to issue a visa by the consul may be appealed to the competent minister for foreign affairs, and from the decision of refusal to issue a visa, issued by the commander of a Border Guard post - to the Commander-in-Chief of the Border Guard.
- The Commandant of the Border Guard facility enables an EU citizen or a family member who is not an EU citizen entry for a period not longer than 72 hours before the decision is made to refuse entry into the territory of the Republic of Poland, while taking steps to obtain documents

entitling them to enter, or to prove otherwise are entitled to exercise the freedom of movement of persons.

II. Refusal of entry into the territory of the Republic of Poland:

- An EU citizen or a family member who is not an EU citizen may be refused entry to the territory of the Republic of Poland when:
 - His/her entry takes place during the period of entry into the list, unless entry into the territory of the Republic of Poland takes place in order to take part in the proceedings before the administrative court in the expulsion proceedings and if the residing of an EU citizen or non-citizen family member of the EU in this territory will not cause serious disturbances to public order or public security, or;
 - his/her stay on the territory of the Republic of Poland may pose a threat to the defence or security of the state or the protection of public safety and order or public health, or;
 - he/she does not have a travel document or visa/residence card, unless he/she proves in another, unquestionable manner that he/she is entitled to exercise the freedom of movement of persons.
- The decision to refuse entry is enforceable immediately. If a family member who is not an EU citizen is issued a decision of refusal of entry on the basis of an entry in the register or a threat to defence and security, a decision on the annulment of the visa will also be issued.
- The decision to refuse a visa to a family member who is not an EU citizen and which is issued in connection with a security and defence threat, or a decision to refuse entry, issued to a family member who is not an EU citizen, or an EU citizen, on the same basis should take into account the principle of proportionality and be issued only if the behaviour of the person constitutes a real, current and sufficiently serious threat to the public interest.
- Previous criminal records cannot constitute an independent basis for a decision to refuse entry or grant a visa due to a threat to defence or security. These threats cannot be invoked for economic purposes.

4. Right of residence

I. Conditions of stay of EU citizens and their family members in Poland:

An EU citizen has the right to stay for more than 3 months if he/she fulfils one of the following conditions:

- is an employee or self-employed person in the territory of the Republic of Poland;
- has sufficient financial resources to support him/her self and their family members in the territory of the Republic of Poland, so as not to constitute a burden for social assistance, and:
 - is covered by general health insurance or entitled to health benefits under separate regulations or has private health insurance covering all expenses that may arise during the stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to cover the costs of the insured person's health benefits directly to the entity providing such benefits, based on the invoice issued by this entity,
- the person studies or does vocational training in the Republic of Poland and:
 - has sufficient financial resources to support him/her self and their family members in the territory of the Republic of Poland, so as not to constitute a burden for social assistance,
 - is covered by general health insurance or entitled to health benefits under separate regulations or has private health insurance covering all expenses that may arise during the person's stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to cover the costs of the insured person's

health benefits directly to the entity providing such benefits, based on the invoice issued by this entity

- is the spouse of a Polish citizen.

Note: this right also applies to a family member of an EU citizen joining or staying with him/her on the territory of the Republic of Poland.

II. Retention of the right of residence

An EU citizen who ceases to be an employee or a self-employed person retains the right of residence vested in an employee or a self-employed person in the following cases:

- non-work or non-employment on his/her own behalf and own account due to temporary incapacity to work due to illness or accident or;
- unintentional unemployment resulting from the unemployment register kept by the poviát labour office;
- taking up education or vocational training.

If the period of performing work or pursuing other gainful activities on the person's own behalf and on their own account in the territory of the Republic of Poland preceding unemployment was shorter than one year, the EU citizen retains the right of residence of an employee or self-employed person for a period of 6 months from the date of registration at the competent poviát labour office.

Note: this right also applies to a family member of an EU citizen joining or staying with him/her on the territory of the Republic of Poland

- In the case of divorce, annulment of marriage, death or departure from the territory of the Republic of Poland, an EU citizen, a member of his/her family who is an EU citizen retains the right of residence.
- A family member who is not an EU citizen retains the right of residence in the case of:
 - the death of an EU citizen if he/she stayed with him/her on the territory of the Republic of Poland for a period of not less than one year before the date of death of an EU citizen;
 - divorce or annulment of a marriage with an EU citizen if:
 - the marriage lasted at least 3 years before the initiation of proceedings in the case of divorce or annulment of marriage, including one year during the stay of an EU citizen on the territory of the Republic of Poland, or;
 - a former spouse of an EU citizen, takes care of his/her children, on the basis of an agreement between the former spouse or on the basis of a court decision, or;
 - this is justified by particularly important circumstances, including those related to the subject of domestic violence during marriage, or;
 - a former spouse of an EU citizen has the right to visit a minor child, on the basis of an agreement between the former spouses or on the basis of a court decision, by which from the agreement or ruling it appears that the visit takes place in the event of death or departure of an EU citizen from the territory of the Republic of Poland, and the EU citizen residing and learning or studying in this territory and the parent who is taking care of him/her, regardless of their citizenship, retain the right of residence until the child completes his/her education or study.
- A child of an EU citizen who was an employee on the territory of the Republic of Poland but did not retain the right of residence due to non-fulfilment of premises (e.g. long-term unemployment) and who stays and learns or studies in this territory, has the right to stay until the end of his/her study.
- The parent who is looking after the child of an EU citizen who was an employee on the territory of the Republic of Poland, but who has not retained the right of residence, who resides and learns or studies in this territory, has the right to stay until the child reaches the legal age of adulthood; this right also applies when the child reaches adult legal age, if he/she still requires the presence and care of that parent in order to be able to continue and complete his/her studies.

III. Registration of stay

- If the stay on the territory of the Republic of Poland lasts for a period longer than 3 months:
 - an EU citizen is obliged to register his/her stay, and
 - a family member who is not an EU citizen is required to obtain a residence card of a family member of an EU citizen.
- This obligation does not apply to an EU citizen with the right to reside under circumstances that release him/her from the obligation to meet general conditions of stay (see section 4.VI).
- Registering a stay takes place at the request of an EU citizen and issuing of a residence card of a family member of a EU citizen - at the request of a family member who is not an EU citizen.
- The application is submitted in person, no later than on the day following the expiration of 3 months from the day of entry into the territory of the Republic of Poland. The requirement of submitting a personal application does not apply to a minor.
- The application shall be accompanied by documents or written statements confirming that the conditions of stay have been fulfilled, and in the case of an application for issuing a residence card of a family member of an EU citizen – photographs are also required.
- When applying for registering a stay or issuance of a residence card for a family member of an EU citizen, a valid travel document must be presented. An EU citizen may present another valid document confirming his/her identity and citizenship.
- A family member who is not an EU citizen shall be issued a certificate of application immediately.
- Registering a stay and issuing a certificate of registration of an EU citizen's residence is carried out immediately, and the residence card of a family member of the EU citizen is issued no later than within 6 months from the date of submitting the application for it, or the residence or issuing of the card is denied.
- after registering the stay of an EU citizen, he/she will receive a certificate of registration of residence. Registration is valid indefinitely.
- A family member who is not an EU citizen is obliged to have a residence card of a member of the EU citizen's family who confirms his/her right to stay on the territory of the Republic of Poland and together with a valid travel document is entitled to repeatedly cross the border without a visa.
- The residence card of a family member of an EU citizen is valid for 5 years, and if the intended period of stay of an EU citizen in the territory of the Republic of Poland to which a family member joins or stays with is shorter than 5 years - this document is valid for the intended period of stay of an EU citizen

IV. Refusal to register a stay or issue a residence card of a family member of an EU citizen

A EU citizen is refused to register his/her residence, and a member of the family who is not an EU citizen is refused the issue of a residence card of a family member of an EU citizen if:

- the conditions of stay have not been met, unless it concerns (exceptions to the principle of refusal to register a stay):
 - an EU citizen who is a family member, an EU citizen or citizen of the Republic of Poland other than the one mentioned in point 2 of the procedure, who joins or stays with him/her on the territory of the Republic of Poland due to:
 - financial dependence on him/her or staying with him/her in a household, in the country from which the EU citizen applying for registration of a stay has come, or;
 - serious health reasons that require personal protection, exercised by an EU citizen or a citizen of the Republic of Poland, with whom the citizen joins or stays with him/her on the territory of the Republic of Poland;
 - a EU citizen who conducts family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, prepared in Rome on November 4, 1950, with an EU citizen or a citizen of the Republic of Poland, to which he/she joins or stays with the person in the Republic of Poland (e.g. concubinage, multi-parent families, patchwork families, etc.)

- if the stay of a EU citizen or a member of a family who is not a EU citizen on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or the protection of public safety and order. The decision should take into account the principle of proportionality and be based only on the behaviour of a given person, which constitutes a real, current and sufficiently serious threat to the public interest. Previous criminality by this person cannot constitute an independent basis for making a decision. Security and defence threats cannot be invoked for economic purposes
- A family member who is not an EU citizen is refused a residence card of a family member of an EU citizen also when his/her marriage to an EU citizen has been concluded for convenience.

V. Cancellation of the registration of a stay or a residence card of a family member of an EU citizen

Registering a stay is annulled if:

- it occurred on the basis of forged or falsified documents or false information, or;
- the stay of an EU citizen on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or the protection of public safety and order. The decision should take into account the principle of proportionality and be based only on the behaviour of the individual, which constitutes a real, current and sufficiently serious threat to the public interest. Previous criminality by this person cannot constitute an independent basis for making a decision. Security and defence threats cannot be invoked for economic purposes

The residence card of a family member of an EU citizen is annulled if:

- the stay of a family member on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or protection of public safety and order. The decision should take into account the principle of proportionality and be based only on the behaviour of the individual, which constitutes a real, current and sufficiently serious threat to the public interest. Previous criminality by this person cannot constitute an independent basis for making a decision. Security and defence threats cannot be invoked for economic purposes.
- if it was issued on the basis of forged or processed documents or false information,
- the marriage of a family member of an EU citizen has been concluded for convenience,
- a family member does not meet the conditions of a stay.

VI. Exemption from the preservation of certain conditions of entry and residence of EU citizens and their families

Without the need to observe the conditions of stay on the territory of the Republic of Poland, as specified in point 4.I-V of the procedure may be:

- an EU citizen and a family member who is not an EU citizen - for up to three months;
- an EU citizen who entered this territory in order to look for a job - for a period not longer than 6 months, unless after this period he/she shows that he/she is actively pursuing a job search and has a definite opportunity of employment.

In the period referred to above:

- an EU citizen is required to have a valid travel document or other valid document confirming his/her identity and citizenship;
- a family member who is not an EU citizen is required to have a valid travel document.

5. Permanent residence of EU citizens and their family members

I. Conditions for acquiring the right to permanent residence:

- An EU citizen acquires the right of permanent residence after 5 years of uninterrupted residence on the territory of the Republic of Poland.
- A family member who is not an EU citizen acquires the right of permanent residence after 5 years of uninterrupted residence on the territory of the Republic of Poland with an EU citizen.

PART I. STAY OF EU CITIZENS

- A family member who is an EU citizen who stayed on the territory of the Republic of Poland for a period of 5 years and who retained the right of residence, in the circumstances referred to in point 4.II of the procedure acquires the right of permanent residence.
- A family member who is not an EU citizen who stayed on the territory of the Republic of Poland for a continuous period of 5 years and who retained the right of residence, in the circumstances referred to in point 4.II of the procedure acquires the right of permanent residence.
- The right of permanent residence before the end of the 5-year period of stay on the territory of the Republic of Poland is acquired if:
 - an employee or self-employed person who at the time of termination of work or other gainful activity on his/her own behalf and on his/her own account has reached the retirement age set by Polish provisions regarding pension insurance or who has completed work in order to retire early, if previously, for a period of 12 months, he or she was employed or instituted other gainful activities in his/her own name and on his/her own account and has resided for a continuous period of more than three years in the territory of the Republic of Poland;
 - an employee or self-employed person who ceases to perform work or other gainful activity on his/her own behalf and for his/her own account in the territory because of permanent incapacity to work, if he/she has stayed in the territory for a continuous period of more than two years. The requirements related to the period of stay do not apply to people whose inability to work resulted from an accident at work or occupational disease.
 - an employee or self-employed person who, after 3 years of uninterrupted residence and performing work or other gainful activity on their own behalf and on their own account, performs work or other gainful activities on their own behalf and for their own account in another territory in a Member State, while staying on the territory of the Republic of Poland, where he/she returns at least once a week.
- Conditions relating to the performance of work or gainful activity are maintained if this activity was also undertaken in other EU Member States.
- The requirements regarding the length of an uninterrupted stay and the performance of work or other gainful activities on their own behalf and for their own account, as well as the requirement regarding the length of an uninterrupted stay do not apply to the spouse of a Polish citizen.
- For periods of work or other gainful activities on their own behalf and for their own account, such periods include:
 - unintentional unemployment resulting from the unemployment register kept by the post-employment office;
 - breaks at work or in the performance of other gainful activities on his/her own behalf and on his/her own account, independent of the will of the foreigner;
 - Non-employment or non-employment benefits in the person's own name and on their own account due to temporary incapacity to work due to sickness or accident.
- NOTE: The right of permanent residence acquired by an employee or a self-employed person is also acquired by the family members staying with him/her on the territory of the Republic of Poland, regardless of their citizenship.
- In the event of the death of an employee or a self-employed person during the period of employment or other gainful activity in his/her own name and on his own account before acquiring a permanent residence by the deceased, a family member who on the day of his/her death stayed with him/her on the territory of the Republic of Poland, acquires the right of permanent residence, regardless of nationality, if:
 - an employee or a self-employed person until the day of his/her death stayed in the territory of the Republic of Poland for a continuous period of two years or;
 - the death of an employee or self-employed person occurred as a result of an accident at work or occupational disease.

II. The way and form of dealing with the matter

- The authority authorized to conduct the proceedings is the voivode in the place of residence of the applicant.
- An EU citizen who has acquired the right of permanent residence is issued a document confirming the right of permanent residence,
- A family member who is not an EU citizen who has acquired a permanent right is required to obtain a permanent residence card of a family member of an EU citizen.
- The document confirming the right of permanent residence is issued at the request of an EU citizen and a permanent residence card of a family member of an EU citizen - at the request of a non-EU family member.
- The application is made in person. The requirement of a personal application does not apply to a minor.
- A family member who is not an EU citizen submits an application for a permanent residence card of a family member of an EU citizen before the expiry of the validity of the residence card of a family member of an EU citizen.
- The application is accompanied by photographs.
- When applying for a document confirming the right of permanent residence or a permanent residence card of a family member of an EU citizen, a valid travel document must be shown. An EU citizen may present another valid document confirming his/her identity and citizenship.
- The document confirming the right of permanent residence is issued immediately after submitting the application for its issue, and the permanent residence card of the family member of the EU citizen - no later than within 6 months from the date of submission of the application, or it is denied.

III. Permissions and validity

- A family member of an EU citizen is obliged to have a permanent residence card of a family member of an EU citizen who confirms his/her right to permanent residence on the territory of the Republic of Poland and together with a valid travel document entitles him/her to cross the border without a visa
- The permanent residence card of a family member of an EU citizen is valid for 10 years.

IV. Refusal to issue a document

A document confirming the right of permanent residence or a permanent residence card of a family member of an EU citizen is refused if:

- the conditions of permanent residence have not been met.
- the stay of an EU citizen or a member of a family who is not an EU citizen on the territory of the Republic of Poland constitutes a threat to the defence or security of the state or the protection of public safety and order. The decision should take into account the principle of proportionality and be based only on the behaviour of a given person, which constitutes a real, current and sufficiently serious threat to the public interest. Previous criminality by this person can not constitute an independent basis for making a decision. Security and defence threats cannot be invoked for economic purposes.
- A family member who is not an EU citizen shall be refused a permanent residence card of a family member of an EU citizen also when his/her marriage to an EU citizen has been concluded for convenience.

V. Cancellation of confirmation of permanent residence or permanent residence card of a family member of an EU citizen

The document confirming the right of permanent residence is annulled if:

- it was issued on the basis of forged or processed documents or false information, or
- the stay of an EU citizen on the territory of the Republic of Poland is a serious threat to the state's defence or security, or to the protection of public safety and order. The decision should take into account the principle of proportionality and be based only on the behaviour of the person concerned,

which is a real, current and sufficiently serious threat to the social interest. Previous criminality by this person cannot constitute an independent basis for making a decision. The threats to security and defence cannot be invoked for economic purposes.

The permanent residence card of an EU citizen's family member is annulled if:

- it was issued on the basis of forged or processed documents or false information,
- the stay of a family member who is not an EU citizen on the territory of the Republic of Poland constitutes a serious threat to the defence or security of the state or protection of security and public order. The decision should take into account the principle of proportionality and be based only on the behaviour of the individual, which constitutes a real, current and sufficiently serious threat to the public interest. Previous criminality by this person cannot constitute an independent basis for making a decision. Security and defence threats cannot be invoked for economic purposes.
- the marital relationship of a family member who is not an EU citizen with an EU citizen was concluded for reasons of convenience.
- The permanent residence card of a family member of an EU citizen may be annulled (but not necessarily) if the non-EU family member has left the territory of the Republic of Poland for a period longer than 2 consecutive years.

6. Expulsion from the territory of the Republic of Poland

- An EU citizen or a family member who is not an EU citizen who does not have the right to permanent residence may be issued a decision on expulsion from the territory of the Republic of Poland, in a case where:
 - their stay in this territory is a threat to the defence or security of the state or to the protection of public safety and order
 - their stay in the territory constitutes a threat to public health. (A disease whose symptoms occur after 3 months from the date of entry of an EU citizen or a family member who is not an EU citizen on the territory of the Republic of Poland, cannot constitute grounds for expulsion due to a threat to public health - see Appendix No. 6).
- An EU citizen or a family member who is not an EU citizen who has the right of permanent residence, an expulsion decision may be issued if their stay on the territory of the Republic of Poland constitutes a serious threat to the defence or security of the state or to protect public safety and order.
- An EU citizen who resides on the territory of the Republic of Poland for more than 10 years, the decision on expulsion can only be issued if his/her stay in the territory constitutes a threat to the defence or security of the state or public security by threatening peace, humanity, independence or defence of the Republic of Poland or because of terrorist activity.
- The decision on expulsion should take into account the principle of proportionality and be based solely on the behaviour of the individual, which constitutes a real, current and sufficiently serious threat to the public interest. The proportionality principle does not apply if the stay of an EU citizen or non-EU family member constitutes a threat to public health. Earlier criminality cannot constitute an independent basis for the decision on expulsion. The threats to security and defence cannot be invoked for economic purposes.
- in the case of a minor, in addition to the reasons mentioned above, the expulsion may take place if the child's good is recognized to be so in accordance with the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989.
- The proceedings for the expulsion of an EU citizen or a family member who is not an EU citizen include in particular:
 - the period of stay on the territory of the Republic of Poland;
 - age and state of health;

- family and economic situation;
 - the degree of social integration and cultural ties with the country of origin.
- In a decision to expel an EU citizen or non-EU family member, he/she will be ordered to leave the territory of the Republic of Poland within a period of not less than 31 days.
 - If the degree of threat to national defence or security or to public safety and order requires it, the expulsion decision is ordered to be enforced by bringing the EU citizen or family member who is not an EU citizen to the border or the border of the country to which he or she is being expelled, or airport or sea port of that country. In this case, the expulsion decision may not specify the date of departure from the territory of the Republic of Poland or specify a date less than 31 days.
 - Compulsory enforcement of the expulsion decision is also ordered when an EU citizen or a family member who is not an EU citizen did not leave the territory of the Republic of Poland on the date specified in the decision on expulsion.
 - If a complaint is filed with the administrative court against the decision on expulsion, along with a request to suspend its performance, the time limit for the order to leave the territory of the Republic of Poland shall be extended until the date on which the order on this application became valid, unless the basis for expulsion was a threat to the defence or security of the state or public security by a threat to peace, humanity, independence or defence of the Republic of Poland or because of terrorist activity.

7. Information duties of state authorities

Authorities competent in matters concerning EU citizens and their families are obliged to advise the EU citizen and family member in a language they understand of:

- rules and procedure in these cases;
- their rights and duties;
- the content of decisions on the basis of which a visa is refused, a residence is registered, or registration is annulled;
- the contents of decisions on the basis of which the documents specified in the Act are refused or invalidated;
- the contents of the expulsion decision;
- the procedure and deadline for lodging appeals or other ordinary appeals.

8. Consequences of violation of the residence registration or residence card rules

Apply for a person who:

- does not fulfil the obligation to register a stay in the territory of the Republic of Poland,
- against the obligation, does not return the residence card of a family member of an EU citizen, or evades the obligation to obtain or replace a residence card of an EU citizen's family member or permanent residence card of an EU citizen's family member,
- does not have a document confirming the right of permanent residence or a permanent residence card of a family member of an EU citizen

– is subject to a fine in an amount of from PLN 50 to PLN 5,000.

Appendix No. 1 - List of countries whose citizens are exempt from the obligation to have a visa in the EU

COUNTRIES	
Albania	
Andorra	Mexico
Antigua and Barbuda	Monaco
Argentina	Nicaragua
Australia	New Zealand
Barbados	Panama
Brazil	Paraguay
	Palau
	Peru
Brunei Darussalam	Saint Kitts and Nevis
Bosnia and Herzegovina	
Chile	El Salvador
Dominican Republic	San Marino
Guatemala	Seychelles
Grenada	
Honduras	Singapore
Israel	United States of America
	Saint Lucia
	Saint Vincent and the Grenadines
	Samoa
	East Timor
	Tonga
	Trinidad and Tobago
	Tuvalu
Japan	Ukraine
Canada	Uruguay
South Korea	Vatican
Costa Rica	Venezuela
Kiribati	
Columbia	
Malaysia	Bahamas
Mauritius	Marshall Islands
Moldova, Republic	
Micronesia	
Nauru	
Former Yugoslav Republic of Macedonia	Solomon Islands
Montenegro	Vanuatu
Serbia (in addition to Serbian passport holders issued by the Serbian Coordination Directorate (in Serbian: Koordinaciona uprava))	United Arab Emirates
Georgia	

PART I. STAY OF EU CITIZENS

2.	SPECIAL ADMINISTRATIVE REGIONS OF THE CHINESE POPULATION REPUBLIC
	Hong Kong SAR
	Macao SAR
3.	BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF UNION LAW:
	overseas British (British nationals (Overseas)) UK overseas citizens British Overseas Territories Citizens) overseas British citizens (British Overseas Citizens) persons subject to British domination (British Protected Persons) stateless subjects of the British Crown (British Subjects)
4.	ENTITIES AND TERRITORIAL AUTHORITIES WHICH ARE NOT RECOGNIZED AS STATES BY AT LEAST ONE MEMBER STATE:
	Taiwan

Most of the exemptions apply to nationals if they have a biometric passport. The visa-free regime applies to periods not exceeding 90 days each stay in a 180-day period. Sometimes the entitlement comes into force only after the signing of agreements between the specified country and the European Community.

NOTE: When using the list, please refer to the original regulation due to individual regulations concerning additional requirements for citizens and for certain countries.

Part II. Procedures for legalizing the stay of third-country nationals

The procedures below do not apply to:

- EU citizens and their family members (legally recognized spouses, direct descendants of an EU citizen or his or her spouse up to the age of 21, or a direct EU spouse or his/her dependents)
- foreigners entitled under the rules set out in legal acts issued by the organs created under the Agreement establishing an association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Journal of Laws, WE L 217, 29.12.1964, p. 3685; Journal of Laws of the EU Polish special edition, ch. 11, vol. 11, p. 10) and members of their families (understood adequately as family members of EU citizens), in the scope of obtaining temporary stay and work in a unified procedure, temporary stay in connection with the possession of a Blue EU Card, temporary residence related to business activity
- foreigners - members of the diplomatic or consular staff as well as representatives of the European Parliament and their employees / associates

CHAPTER I.

PROCEDURES CONCERNING TAKING UP OCCUPATIONAL ACTIVITY

Sub-chapter I. PROCEDURE FOR OBTAINING PERMISSION FOR WORK, A TIME FORM AND WORK

1. Entities entitled to work in Poland (by type of separate residence permits):

- refugee - a foreigner has a refugee status granted in the Republic of Poland - type of permit: none;
- subsidiary protection - the foreigner has been granted subsidiary protection in the Republic of Poland – permit type: none;
- permanent stay - a foreigner has a permanent residence permit in the Republic of Poland - type of permit: none;
- a resident-foreigner possesses the admission of a long-term EU Union in the Republic of Poland - permit type: none;
- humanitarian stay - a foreigner has a residence permit for humanitarian reasons - type of permit: none;
- tolerated stay - the foreigner has a permit for tolerated stay in the Republic of Poland - type of permit: missing;
- temporary protection - a foreigner enjoys temporary protection in the Republic of Poland - type of permit: none;
- a refugee in the procedure - the foreigner has a valid certificate issued on the basis of art. 35 para. 1 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (a certificate issued by the Head of the Office for Foreigners that he/she has been in the procedure for international protection for at least 6 months and no decision has been issued in his/her case when there is no instance of fault) - authorization type: missing;
- EU citizen - a foreigner is a citizen of a Member State of the European Union - type of permit: none;
- EEA citizen - a foreigner is a citizen of a European Economic Area, not a member of the European Union - type of permit: none;
- beneficiary of the free movement of persons - a foreigner is a citizen of a country that is not a party to the agreement on the European Economic Area, who may use the freedom of movement of persons under an agreement concluded by that state with the European Community and its Member States – permit type: none;

- family of persons entitled to freedom of work from a foreign company of the Republic of Poland to a foreigner who is an EU citizen, a citizen of another EEA state or a citizen of a non-member state, but enjoying the free movement of persons as a family member within the meaning of the Act of 14 July 2006 on entering the territory of the Republic of Poland, stay and departure from this territory by citizens of the European Union Member States and their family members (see above regarding the definition of family members of EU citizens) - type of permit: none, family member's birth card;
- family of an EU citizen - a foreigner is a person referred to in art. 19 par. 2 and 3 of the Act of 14 July 2006 on entry into the territory of the Republic of Poland, stay and departure from that territory by citizens of the Member States of the European Union and their family members (Journal of Laws of 2017 item 900) - type permits: none, residence card of a family member of an EU citizen; a family member who is not an EU citizen who retains the right to reside after the death of:
 - an EU citizen who was entitled to stay on Polish territory for more than 3 months and stayed on the territory of the Republic of Poland for a period not exceeding one year
 - a family member who is not an EU citizen who has divorced or whose marriage to an EU citizen who has been allowed to stay in Poland for more than 3 months has been annulled and who retains the right of residence if: the marriage lasted at least 3 years prior to the commencement of the proceedings in a matter of divorce or annulment of marriages, including one year during the stay of an EU citizen on the territory of the Republic of Poland, or as a former spouse of an EU citizen, takes care of his/her children, based on an agreement between the former spouses or on the basis of a court decision, or there are particularly important circumstances for this, including those related to domestic violence during marriage, or as a former spouse of an EU citizen have the right to a minor child's visitation, based on an agreement between former spouses or a court decision, when agreement or judgement result and that such visits take place on the territory of the Republic of Poland
 - the child of an EU citizen who was entitled to stay for more than 3 months and died or left, staying and studying or learning in that territory and the family taking care of him/her, regardless of his or her citizenship. They retain the right of residence until the child completes education or study.
- temporary stay and work - a foreigner has a permit for temporary residence and work (Article 114 of the Act on foreigners) - type of permit: work permit;
- managers - a foreigner has a temporary residence permit and a job as a member of the management and managerial staff of entities entered into registers whose shares the foreigner does not possess (Article 126 of the Act on foreigners) - type of permit: work permit;
- Blue EU Card - a foreigner has a temporary residence permit and a job requiring high qualifications ("Blue EU Card") (Article 127 of the Act on Foreigners) - type of permit: permission to work in a highly skilled job;
- transfer of an employee - the foreigner has a temporary residence permit in connection with the transfer within the enterprise (Article 139a paragraph 1 of the Act on foreigners) - type of permit: consent issued at the request of the receiving unit with an ICT annotation
- long-term mobility - the foreigner has a temporary residence permit in connection with long-term mobility (Article 139o paragraph 1 of the Act on foreigners) - type of permit: consent issued at the request of the receiving unit with an ICT annotation
- business activity - a foreigner is authorized to conduct business activity and has a temporary residence permit on this basis as a person holding a position on the board of a limited liability company or a joint stock company that he/she created or whose shares or stock were acquired by that foreigner or a person running a limited partnership or limited joint-stock partnership as a general partner or a person acting as a proxy, if such a foreigner possesses:
 - health insurance or proof of coverage by the insurer of treatment costs in the territory of the Republic of Poland, a source of stable and regular income sufficient to cover the costs of living for himself and his family members, the consent of the competent authority to occupy a specific

position or practice, when the obligation to obtain it results from separate regulations and the foreigner has a place of residence in the territory of the Republic of Poland;

a company in which the foreigner performs these functions:

- in the fiscal year preceding the submission of an application for granting a permit for temporary residence for the purpose of running a business, the income was no lower than 12 times the average monthly gross wage of the national economy in the voivodeship in which the entity has its registered office or place of residence, preceding the submission of the application, announced by the President of the Central Statistical Office based on art. 30 para. 2 of the Act of 26 October 1995 on Some Forms of Supporting Housing, or employs for an indefinite and full-time period of at least 1 year preceding the application of at least 2 employees who are Polish citizens or foreigners referred to in art. 87 par. 1 point 1-9 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (refugee status, subsidiary protection, permanent residence, residence of an EU resident, stay for humanitarian reasons, consent for tolerated stay, temporary protection, certificate about being in the international protection procedure for >6 months, an EU citizen, an EEA citizen, a citizen of another country benefiting from the freedom of movement of persons - does not concern family members of these citizens) or shows that he/she has the means to meet these conditions in the future; conducts activities to meet these conditions in the future, in particular contributing to investment growth, technology transfer, introduction of beneficial innovations or creation of jobs.

type of permit: statutory exemption from the permit (Act on the rules of participation of foreigners and foreign businessmen in the course of trade on the territory of the Republic of Poland of March 6, 2018 (Journal of Laws of 2018, item 649))

- Short-term mobility - a foreigner stays on the territory of the Republic of Poland on the basis of a residence permit referred to in art. 1 point 2 lit. a Council Regulation (EC) No. 1030/2002 of 13 June 2002 establishing a uniform format for residence permits for third-country nationals (OJ. EU L 157 of 15/06/2002, page 1, with later amendments d. - Journal of Laws of the UE Polish special edition, ch. 19, Vol. 6, page 3, as amended), with the annotation "ICT",
 - issued by another Member State of the European Union, and
 - the purpose of his/her stay on the territory of the Republic of Poland is to perform work in the nature of an employee of a managerial staff, specialist or employee taking an internship as part of an intra-corporate transfer of a user employer, i.e. an employer or non-employer under the labour Code, appointing an employee designated by a temporary work agency and controlling their execution,
 - for a period not exceeding 90 days over a period of 180 days;

type of permit: residence permit of another EU country with ICT annotation

- visa - a foreigner has a work permit and stays on the territory of the Republic of Poland on the basis of a visa, with the exception of a visa issued for the purpose referred to in art. 60 par. 1 point 1, 22 or 23 of the Act on Foreigners (visa issued for the purpose of using temporary protection, for humanitarian reasons, due to the interest of the state or international obligations) - type of permit: work permit;
- stamp in the passport - the foreigner has a work permit and stays on the territory of the Republic of Poland:
 - based on Article. 108 par. 1 point 2 of the Act on Foreigners (residence from the date of submitting a temporary residence permit to the day of the final decision) or;
 - Art. 206 par. 1 point 2 of the Act on Foreigners (stay from the date of submission of the application for permanent residence until the day of issuing the final decision) or;
 - on the basis of the stamp imprinted on the travel document, which confirms submission of the application for a long-term resident's EU residence permit of the

European Union, if directly before submitting the application he/she was entitled to perform work on the territory of the Republic of Poland,

- type of permit: work permit
- temporary stay - a foreigner has a work permit and stays on the territory of the Republic of Poland on the basis of a temporary residence permit, with the exception of the permit granted in connection with the circumstance referred to in art. 181 par. 1 of the Act of 12 December 2013 on foreigners (short-term stay), - type of permit: work permit, with exceptions provided for in the Act,
- family of diplomats - a foreigner has a work permit and stays on the territory of the Republic of Poland based on the document referred to in art. 61 of the Act on Foreigners, specifying the status of a family member of a diplomatic mission or consular office of a foreign state or other person equated with them on the basis of statutes, agreements or commonly established international customs remaining with that person in the community, if between the Republic of Poland and a foreign state were concluded by a contract or international agreement on the performance of gainful activity by family members of staff of diplomatic missions or consular posts - type of permit: work permit;
- Schengen visa - a foreigner has a work permit and stays on the territory of the Republic of Poland on the basis of a visa issued by another country in the Schengen area - type of permit: work permit;
- Schengen stays - a foreigner has a work permit and stays on the territory of the Republic of Poland on the basis of a residence permit issued by another Schengen area - type of permit: work permit;
- visa-free travel - a foreigner has a work permit and stays on the territory of the Republic of Poland as part of a visa-free travel - permit type: work permit;
- stamp for mobility - a foreigner stays on the territory of the Republic of Poland on the basis of art. 108 par. 1 on foreigners (stamp confirming the submission of a temporary residence application, stay from the date of submission of the application to the day of issuing the final decision) and:
 - immediately before submission of the application for the next temporary residence permit referred to in art. 139a para. 1 (intra-corporate transfer) or art. 139o paragraph 1 (long-term mobility) of the Act on foreigners, he/she resided in this territory on the basis of this permit and continues to perform the work to which he/she was entitled under it,
 - performs work as an employee of a managerial staff, specialist or an employee taking an internship as an intra-corporate transfer of an employer-user, i.e. an employer or non-employer within the meaning of the labour Code, who appoints an employee assigned by a temporary agency and controls their performance, the benefit of the receiving entity that submitted the application for a temporary residence permit is referred to in art. 139o paragraph 1 of this Act (long-term mobility), on the terms specified in this application.
 - type of permit: permission to stay with an ICT note

2. Exemption from obtaining a work permit

- I. The foreigner is exempt from the obligation to have a work permit under the Act on Promotion of Employment and Labour Market Institutions:
 - students - holding a temporary residence permit in the Republic of Poland in connection with education by full-time studies (Article 144 of the Act on foreigners) - type of permit: none (a);
 - scientist - holding a temporary residence permit in the Republic of Poland granted in connection with conducting scientific research or development works on the basis of an agreement with a certified scientific unit or holding a residence permit referred to in art. 1 point 2 lit. and Council Regulation 1030/2002, endorsed as "scientist" issued by another Member State of the European Union, if the agreement on its acceptance for the purpose of carrying out a research project concluded with the relevant scientific unit of that country provides for scientific research or work

development also on the territory of the Republic of Poland (Article 151 (1) and (2) of the Act on foreigners)

- permit type: none (b);

- former spouses - having a temporary residence permit in the Republic of Poland in connection with the fact that they had previously married a Polish citizen and obtained a divorce, separation or is a widow (Article 158 section 2 point 1 or 2 of the Act on foreigners) - type of permit: none (c);
- was a family - holding a temporary residence permit in the Republic of Poland in connection with divorce, separation or the widow of a foreigner who had a temporary residence permit in connection with family reunification or granted in connection with the death of his/her parent who is a foreigner in Poland in connection with family reunification or a minor child granted in connection with death, a foreigner who has been granted refugee status or subsidiary protection - type of permit: none (d);
- victims of human trafficking - holding a temporary residence permit in the Republic of Poland in connection with being a victim of human trafficking - type of permit: none (e);
- residents of other EU countries - holding a temporary residence permit in the Republic of Poland in connection with the fact of holding a long-term EU resident permit of another Member State and intending to perform work or gainful activity in Poland or intending to take up or continue studies or vocational training in Poland or stay in Poland, or based on other grounds, whose legitimacy has been demonstrated, as well as family members of such a foreigner, possessing a residence permit granted in connection with the intentions of such a foreigner - type of permit: none (f);
- spouses - being a spouse of a Polish citizen or a foreigner with refugee status in Poland, subsidiary protection in Poland, permanent residence permit in Poland, long-term residence permit in Poland, consent to stay for humanitarian reasons, consent for tolerated stay or beneficiary of temporary protection and who has a temporary residence permit on the territory of the Republic of Poland granted in connection with the marriage - type of permit: none (g);
- children - being a descendent, a foreigner under the age of 21, dependent on a Polish citizen or a foreigner referred to in point 2 lit. ag (see above) or a foreigner with refugee status in Poland, subsidiary protection in Poland, permanent residence permit in Poland, long-term resident stay permit in Poland, consent to stay for humanitarian reasons, consent for tolerated stay or beneficiary from temporary protection, and who has a temporary residence permit on the territory of the Republic of Poland - type of permit: none (h);
- connecting with family - holding a temporary residence permit on the territory of the Republic of Poland granted on the basis of art. 159 sec. 1 of the Act on Foreigners (family reunification) (i);
- stamp in the passport - staying on the territory of the Republic of Poland pursuant to art. 108 par. 1 point 2 (stay from the date of submission of the application for a temporary stay until the day of issuing the final decision) or art. 206 par. 1 point 2 of the Act on Foreigners (stay from the date of submission of a permanent residence application to the day of issuing the final decision) or on the basis of a stamp imprinted in the travel document, which confirms submission of an application for a long-term resident's EU residence permit, if immediately before submission of the application was exempt from the obligation to have a work permit pursuant to point 2 lit. Polish card - holding a valid Polish Card;
- export service - authorized to reside and work in the territory of a Member State of the European Union or a European Economic Area not belonging to the European Union or the Swiss Confederation and who is employed by an employer who is seated in the territory of that country and temporarily posted by that employer in the purpose of providing services on the territory of the Republic of Poland;
- other cases - in relation to which international agreements or separate regulations allow the performance of work without the need for a permit.

Work on a statement - a work permit is not required for a foreigner who is a citizen of:

- The Republic of Armenia;
- The Republic of Belarus;
- The Republic of Georgia;

- The Republic of Moldova;
- Russian Federation;
- Ukraine
- who performs work outside the scope of activity specified in the regulations issued on the basis of art. 90 sec. 9, unified text, Regulation of the Minister of Family, Labour and Social Policy regarding the sub-class of activity according to the Polish Classification of Activities (PKD), by which the foreigners' seasonal work permits are issued (Journal of Laws of 2017, item 2348): see Appendix No. 1 of the procedure
- for a period not longer than 6 months during the next 12 months, if at the poviát employment office before the foreigner begins employment, the foreigner entered a statement on entrusting work to a foreigner in the record of statements, and the work is performed on the terms specified in this statement.

A work permit is not required in the case of a foreign national who is a citizen of a country other than Armenia, Belarus, Georgia, Moldova, Russia or Ukraine, performing work in professions specified in the regulations issued on the basis of art. 90 sec. 11 for a period not longer than 6 months during the next 12 months, if the poviát employment office before the foreigner begins employment the foreigner has entered a statement regarding entrusting work to a foreigner in the record of statements, and the work is performed following the terms specified in this statement. (This regulation has not yet been issued)

II. A person is dismissed from the obligation to have a work permit according to the Regulation of the Minister of Labour and Social Policy dated 21 April 2015 (Journal of Laws of 2015, item 588), in cases where it is permissible to entrust work to a foreigner on the territory of the Republic of Poland without the need to obtain a work permit - applies to the following foreigners:

- trainers - conducting trainings, taking part in professional internships, performing an advisory, supervisory or special function requiring specific qualifications and skills in programs implemented as part of European Union activities or other international assistance programs, also based on loans taken by the Government of the Republic of Poland;
- foreign language teachers - who are teachers of foreign languages who work in pre-schools, schools, facilities, Centres, teacher education institutions or colleges referred to in the provisions on the education system, or in Voluntary Labour Corps;
- soldiers - who are members of armed forces or civilian staff who work in international military structures located on the territory of the Republic of Poland, or who are foreigners delegated to implement armament programs implemented on the basis of agreements to which the Republic of Poland is a party;
- journalists - who are permanent correspondents of foreign mass media, who have been granted, upon the request of the editor-in-chief of a foreign editorial office or agency, accreditation of the minister competent for foreign affairs, but only in the field of professional journalist activities performed for this editorial office or agency;
- artists - performing artistic or individual services lasting up to 30 days in a calendar year;
- lecturers - delivering, up to 30 days in a calendar year, occasional lectures, speeches or presentations of particular scientific or artistic value;
- athletes - being athletes performing, up to 30 days in a calendar year, work for an entity established on the territory of the Republic of Poland in connection with sports competitions;
- sport activists - performing work in connection with sports events of international importance, directed by an appropriate international sports organization;
- clerics - who are clerics, members of religious orders or other persons who perform work in connection with their religious function, in churches and religious associations and national inter-church organizations, whose status is regulated by an international agreement, regulations on the relationship of the State to church or other religious association or that act on the basis of an entry in the register of churches and other religious associations, their legal persons or organizational units, and who perform work as a religious performer in other entities, by referral by the competent organ of the church or other religious association or his legal person;
- students and PhD students - students of full-time studies in the Republic of Poland or participants of full-time PhD studies in the Republic of Poland

(regardless of whether he/she has or does not have the license referred to in Article 144 of the Act on Foreigners);

- students - trainees who are students who work as part of professional internships, which are run by organizations that are members of international student associations;
- student employees - students who work in the framework of cooperation between public employment services and their foreign partners, if the need to entrust work to a foreigner is confirmed by the competent employment authority;
- students - students of higher education or vocational school students in European Union Member States or European Economic Area countries that do not belong to the European Union or the Swiss Confederation who perform work as part of apprenticeship provided for in the study regulations or curriculum, subject to obtaining a referral such a practice from a university or a professional;
- participants in social programs - participating in cultural or educational exchange programs, humanitarian or development assistance programs or holiday work programs of students, organized in consultation with the minister competent for labour issues;
- graduates - graduates of Polish upper secondary schools, full-time higher studies or full-time doctoral studies, doctoral schools at Polish universities, scientific institutes of the Polish Academy of Sciences or research institutes operating on the basis of regulations on research institutes (graduate status is sufficient);
- scientists - performing work as research workers in entities referred to in the provisions on research institutes;
- delegated - delegated by a foreign employer on the territory of the Republic of Poland, if they keep their permanent residence abroad, for a period not exceeding 3 months in a calendar year, in order to:
 - perform assembly, maintenance or repair works, deliver technologically complete equipment, constructions, machines or other equipment if the foreign employer is their producer,
 - the receipt of ordered equipment, machines, other equipment or parts, made by a Polish entrepreneur,
 - training employees of a Polish employer who is a recipient of devices, constructions, machines or other equipment referred to above in the scope of its operation or use,
 - assembly and disassembly of trade fair stands, as well as care for them, if the exhibitor is a foreign employer who delegates the employee to this end;
- Parliament's assistants - performing work for Members of the European Parliament in connection with their function;
- Turks – Turkish citizens, entitled under the rules set out in legal acts issued by the organs created under the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal of WE L 217, 29.12.1964, p. 3685; OJ. EU Polish special edition, ch. 11, vol. 11, p. 10).

III. Powers of certain foreigners to obtain derogations from the requirements of a work permit in the normal course pursuant to the Regulation of the Minister of Labour and Social Policy on the determination of cases in which the work permit is issued regardless of the specific conditions for issuing work permits for foreigners from January 29, 2009 r. (Journal of Laws No. 16, item 85), unified text on December 30, 2014 (Journal of Laws from 2015, item 97)

The voivode issues a work permit without the need to obtain information (labour market test) from the starost, in the case of:

- a foreigner authorized to represent a foreign entrepreneur in his branch or representative office located on the territory of the Republic of Poland;
- a citizen of the Republic of Armenia, the Republic of Belarus, the Republic of Georgia, the Republic of Moldova, the Russian Federation or Ukraine, performing nursing and care work or as domestic help for individuals in the household;

- a foreigner who in the period directly preceding the submission of an application for a work permit was employed for a period of not less than 3 months with the same employer and the same position in accordance with the declaration of entrusting work to a foreigner entered in the records of declarations - provided a statement on entrusting work to a foreigner entered in the records of declarations and employment contract and documents confirming payment of social security contributions;
- a foreigner – who is a sports trainer or sportsman who works for sports clubs and other entities whose statutory activity includes the dissemination of physical culture and sport;
- a doctor or dentist who is training or implementing a specialization program on the basis of regulations on the specialization of doctors and dentists.
- foreigners intending to work in the professions specified in Appendix 4 of the procedure

The voivode issues a work permit without taking into account the conditions referred to in art. 88c para. 1-5 and 7 of the Act (general conditions for issuing a work permit) for a foreigner:

- being a member of the family of an employee of a diplomatic mission, consular office, international organization or their representative office, working in the Republic of Poland on the basis of international agreements and arrangements;
- who performs work as a private domestic service of employees of diplomatic missions, consular offices, international organizations or their representations;
- authorized on the terms specified in legal acts issued by bodies set up under the Agreement establishing an association between the European Economic Community and Turkey, signed at Ankara on September 12, 1963 (Journal of Laws of the WE L 217, 29.12.1964, p. 3687; Journal of Laws of the EU Polish special edition, ch. 11, vol. 11, p. 10).

IV. The rights of certain categories of foreigners to obtain a work permit without the need to submit information to the starost on the basis of the Governor's Regulation - see Appendix No. 2 to the procedure

V. Time limitations when issuing work permits by the Voivode of the Malopolska Region

A work permit may be issued for a period shorter than that indicated in the application for a work permit, if the application:

- is submitted by an entity conducting business activity, if the period of more than one year has not elapsed since the commencement of its operation until the day of submission of the application for a work permit;
- is submitted by entities entrusting the performance of work that are seeking a permit for a foreigner to whom he/she intends to entrust work under a civil law contract;
- concerns the issue of a work permit referred to in art. 88 points 3 and 4 of the Act on the Promotion of Employment and Labour Market Institutions (delegation to a branch of a foreign enterprise for more than 30 days or the provision of an export service), if the foreigner is posted by the entity conducting business activity, if from the commencement until the day of submitting the application for a work permit has not expired for more than one year;
- concerns a foreigner holding a position on the board of an entity which, as of the date of submission of the application, does not meet the requirements set out in art. 88c paragraph 4 point 1 of the Act on the Promotion of Employment and Labour Market Institutions (obligation to generate income not lower than 12 times the current average monthly remuneration in the voivodship, announced by the President of the Central Statistical Office based on Article 30 para. 2 of the Act of 26 October 1995 on certain forms of supporting housing construction, and employs for an indefinite period, and full-time work for a period of at least one year preceding the submission of the application of at least two employees who are not subject to a work permit), but demonstrates the possession of resources, or conducting activities to meet these conditions in the future, in particular by conducting activities contributing to investment growth, technology transfer, introducing beneficial innovations or creating jobs.

The period for which the permit is issued in the cases specified above is a maximum of 12 months.

These restrictions do not apply when the application relates to:

- a foreigner who performs a function on the board of a legal person referred to in art. 88e paragraph 2 of the Act (employs more than 25 people as of the day of submission of the application);
- a foreigner referred to in art. 88c para. 8 points 1 and 2 of the Act (in the period of 3 years preceding the submission of an application for a work permit, he/she graduated from a university located in the territory of the Republic of Poland or another country of the European Economic Area or Swiss Confederation or participates in doctoral studies carried out in the Republic of Poland or for three years preceding Submission of an application for a work permit, was legally resident in the territory of the Republic of Poland and the stay was uninterrupted within the meaning of Article 195 (4) of the Foreigners Act)
- a foreigner referred to in art. 88 point 5 of the Act (performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in the next 6 months for purposes other than the one that requires a work permit).

3. Procedure for obtaining a work permit by standard mode

I. General conditions for obtaining a work permit - categories of employers

A foreigner who does not fall into the categories of persons who are exempt from having a work permit must own one whenever the foreigner is:

- an employee or service provider - performs work on the territory of the Republic of Poland based on a contract with an entity whose registered office or place of residence or a branch, establishment or other form of organized activity is located on the territory of the Republic of Poland;
- part of a managing staff - in connection with the management of a legal person entered into the Register of Entrepreneurs or being a capital company in an organization or in connection with running a business of a limited partnership or limited joint-stock partnership as a general partner or in connection with granting him a proxy on the territory of the Republic of Poland for a period exceeding 6 months total within the next 12 months;
- delegated to the branch - performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in a calendar year to a branch or establishment of a foreign entity or an entity related to a foreign employer;
- delegated to tasks - performs work with a foreign employer who does not have a branch, plant or other form of organized activity on the territory of the Republic of Poland and is delegated on the territory of the Republic of Poland to provide temporary and occasional services (export service);
- delegated - performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in the next 6 months for a purpose other than the one indicated above.
- a seasonal worker - performs seasonal work in areas of activity where seasonal work is possible (see Appendix 1 for the procedure) on the basis of a contract with an entity whose registered office or place of residence or a branch, establishment or other form of organized activity is on the territory of the Republic of Poland

II. Conditions for issuing a work permit:

- issued at the request of an entity entrusting work to a foreigner (employer) – when he/she is the sole party to the proceedings, made in three copies - two for the entity entrusting work, one for the foreigner.
- extended at the employer's request, submitted between 90 and 30 days before the expiry of the permit.

- the application submitted on the form containing the required details of the employer, the person representing him, the foreigner and the work offered to the foreigner - must be filled in and properly sub-written. Attach the documentation specified in Appendix No. 5 to the procedure.
- data that the foreigner must provide to the employer: name and surname, gender, date of birth, citizenship, name, series, number, date of issue and validity of the travel document
- the voivode is competent to issue the permit at the employer's place of residence or work, which assigns or contracts the service. In case of doubt, the Voivode of Masovia is competent.
- the conditions of the authorization (a):
 - the amount of remuneration that will be specified in the contract with the foreigner will not be lower than the remuneration of employees performing a comparable type of job or an equivalent position (see exceptions);
 - the amount of monthly remuneration will not be lower than the amount of the minimum remuneration for work;
 - the foreigner's employer has joined the application for a work permit, information from the starost who is competent for the foreigner's main place of work and is not able to meet the employer's staffing needs based on unemployed and job seekers registers or negative recruitment results for the employer, prepared taking into account the priority of access to the labour market for Polish citizens and privileged foreigners (labour market test - see exceptions)
 - Information on the request of a foreigner at the request of the employer is issued by the foreigner within no longer than 14 days from the day of submission of a job offer in the poviat employment office, if the analysis of unemployed and jobseekers registers does not indicate that recruitment is possible; no longer than 21 days from the day of submission of the job offer in the case of recruitment among the unemployed and jobseekers.
 - apart from the cases mentioned in the Regulation (see Appendix 2 to the procedure), and other derogations resulting from laws and regulations, a labour market test is not required if an extension of the same foreigner's license is issued in the same position
 - if the foreigner is to perform the functions of the managerial staff or execute power of attorney in entities registered in the register, then these entities must:
 - in the fiscal year preceding the submission of the application, earn an income not lower than 12 times the current average monthly remuneration in the voivodship, announced by the President of the Central Statistical Office based on art. 30 para. 2 of the Act of 26 October 1995 on certain forms of supporting housing construction and employment for an indefinite and full-time period of at least one year preceding the submission of the application of at least two employees who are not subject to the obligation to have a work permit, or
 - demonstrate the possession of resources or carrying out activities to meet the future conditions specified above, in particular by carrying out activities that contribute to investment growth, technology transfer, introduction of beneficial innovations, and in cases justified by the situation on the labour market, the Voivode may limit the authorization of the work scope of tasks performed by the foreigner for managing activities and representation of the entity.
 - if the foreigner is delegated, or performs an export service, the conditions of the permit issued are:
 - compliance with specific conditions and obligations resulting from detailed provisions on the posting of employees;
 - stating that the remuneration which will be received by the foreigner is not lower by more than 30% from the actual value on the date of submission of the application of the average monthly remuneration in the voivodship, announced by the President of the Central Statistical Office;
 - the employer indicated in Poland is a person authorized to represent him.

- In the case of submission of an application for a work permit for a part-time foreigner or on the basis of a civil law contract, the voivode takes into account the remuneration which will be specified in the contract with the foreigner in proportion to the working time or expected period of performing obligations under the contract
- The above conditions do not apply if the foreigner:
 - in the period of 3 years preceding the submission of an application for a work permit, he/she graduated from a higher education institution based in the territory of the Republic of Poland or another country of the European Economic Area or the Swiss Confederation or participates in doctoral studies completed in the Republic of Poland or;
 - for three years preceding the submission of the application for a work permit, he/she was legally resident in the territory of the Republic of Poland and the stay was uninterrupted within the meaning of art. 195 par. 4 of the Act on foreigners.
- the temporary employment agency applies the same rules as for an ordinary employer. There is a requirement for a foreign agency to have a branch in Poland entered in the register.
- Obtaining a work permit does not cause exemption from the requirements set out in separate regulations, the fulfilment of which is dependent on the performance of regulated professions or activities. (b)

III. Period of authorization

- A work permit is issued for a definite period, not longer than 3 years and may be extended.
- If the foreigner is a member of the management board of a legal person who, on the day of submission of the application, employs more than 25 people, the voivode may issue a work permit for a period not longer than 5 years.
- In the case of posting of a foreigner by a foreign employer in order to perform an export service, the voivode issues a work permit for the period of posting.
- In restricted cases (see point 2.V of the procedure), the voivode may shorten the period for which the work permit is issued.

IV. Contents of the permit and cases where a change is required

- The permit applies to a specific foreigner and includes: an entity entrusting work to a foreigner (entity receiving a delegation, user employer), position or type of work performed by the foreigner, the lowest monthly salary on a given position, working time or number of working hours per week or month, the type of contract being the basis for the work and the period of validity of the permit.
- Change of the registered office or place of residence, name or legal form of the employer, transfer of the workplace or part thereof by another employer, transfer of the workplace or its part to another employer, or replacement of a civil law contract with a job contract do not require a new work permit. All other circumstances require a change of permit.
- changes allowed temporarily (a):
 - performing work of a different nature or position other than specified in the work permit, if the other conditions specified in the work permit have been met and the foreigner has the qualifications required for the given position,
 - for a total period not exceeding 30 days in a given calendar year.

V. Expiration and validity of a work permit or a work permit

- An obligation to perform actions under a civil law contract or an obligation to perform work on the territory of the Republic of Poland shall expire if the foreigner no longer fulfils the conditions entitling him to work (see point 1 of the procedure).
- If the deadline for filing an application for renewal of a work permit from the same employer and in the same position has been respected and the application does not contain formal defects and has been completed on time, the foreigner's work in the territory of the Republic of Poland is considered legal from submission of the application by the date on which the decision on the extension of

the work permit will become final. Periods of legal work, periods of suspension of proceedings at the request of a party are not included.

- for a foreigner who has applied for a temporary residence and work permit (Article 114); temporary stay and work in connection with the performance of managerial functions for entities whose shares the foreigner does not possess (Article 126); temporary stay and work in a highly demanding profession (article 127), business activity as a managerial staff or proxy of entities entered in the register (Article 142 paragraph 3 of the Act on foreigners), or an application for a long-term residence permit in order to continue work carried out in accordance with his/her work permit or temporary residence permit, the law on the legality of his/her employment in the event of timely submission of an application for extension is applicable.
- In the event that the foreigner no longer meets the conditions entitling him/her to work, the parties retain the right to compensation if the refusal or revocation of the work permit resulted from failure to exercise due diligence, unless specific provisions or the content of the contract provide otherwise.

VI. Obligations of the foreign employer, from whom the permit is required

- inclusion in the contract with the foreigner of the conditions included in the work permit;
- in the case of posted workers, export services, etc. (the case from Article 88c (6) of the Act on the promotion of employment and labour market institutions) adapting the amount of the foreigner's remuneration to the current amount of the average monthly remuneration in the voivodship, published by the President of the Central Statistical Office pursuant to art. 30 para. 2 of the Act of 26 October 1995 on certain forms of supporting housing construction, at least once a year;
- concluding a contract with a foreigner in writing and presenting the foreigner with a translation into a language comprehensible to the foreigner before signing the contract;
- transfer of one copy of the work permit to the foreigner who is the subject of the permit, in writing;
- informing the foreigner about actions taken in connection with the proceedings for granting or renewing a work permit and decisions regarding issue, or refusal to issue or revoke a permit;
- exercise due diligence in proceedings regarding authorization, extension and revocation of a foreigner's work permit;
- at their request, providing the voivode, the Social Insurance Institution, the Consul, the PIP, the National Fiscal Administration, the police and the Border Guard, documents confirming the fulfilment of the above obligations, prepared in Polish language or translated into Polish;
- immediate dismissal of a foreigner from a delegation in the event of refusal to grant a permit, revocation of a work permit or when the foreigner no longer meets the conditions entitling him/her to work in Poland (see point 2 of the procedure);
- in the case of violation of the provisions of the employer's obligations, failure to pay due remuneration or failure to pay social insurance contributions, the entity entrusting the work to a foreigner is obliged to (a):
 - immediate performance of actions resulting from his/her duties (consideration of the conditions of authorization, adjustment of remuneration, written conclusion of the contract and its translation)
 - pay the overdue remuneration for the period of work performed in accordance with the work permit and pay the related social security contributions and advance payments for income tax.
- a written notification from the voivode who issued the permit within 7 days that:
 - the foreigner has started work of a different nature or position other than specified in the work permit, under the conditions allowing him such a derogation for a period not exceeding 30 days during the calendar year (see point 3.IVa of the procedure);
 - there has been a change in the registered office or place of residence, the name or legal form of the employer or the transfer of the workplace or part thereof by another employer;
 - there was a transition of the workplace or part thereof to another employer;

- the person representing the employer in the proceedings before the voivode changed
- the foreigner did not start work within 3 months of the initial date of validity of the work permit;
- the foreigner stopped work for a period exceeding 3 months;
- the foreigner completed his/her work earlier than 3 months before the expiration of the period of validity of the work permit.

VII. Refusal to grant a work permit

- obligatory premises from the side of the employer:
 - when in the course of the proceedings:
 - filed an application containing false personal data or false information, or attached documents containing such data or
 - he/she testified untruthfully or concealed the truth, or presented or used a counterfeit or reworked document as a genuine document;
 - did not meet the requirements specified in art. 88c of the Act on the Promotion of Employment and Labour Market Institutions (conditions for issuing the permit - see point 3.II.a and the procedures)
 - has been validly punished for the offense specified in art. 120 par. 3-51 of the Act on employment promotion and labour market institutions (2);
 - within two years from being found guilty of committing an act referred to in art. 120 par. 1, was again validly punished for a similar offense (2);
 - is a natural person, punished for committing an act under art. 218-221 of the Act of 6 June 1997 - Penal Code 3, 2

¹ Art. 120 of the Act on Promotion of Employment and Labour Market Institutions:

1. Whoever entrusts illegal work to a foreigner is liable to a fine of PLN 1,000 to PLN 30,000.

2. A foreigner who illegally performs work is liable to a fine not lower than PLN 1,000.

3. Whoever, by misleading a foreigner, exploiting a mistake, using a business dependency or not being able to properly understand the action taken leads a foreigner to work illegally, is subject to a fine of between PLN 3,000 to PLN 30,000.

4. Anyone who demands a financial benefit from a foreigner in exchange for taking action to obtain a work permit or other document authorizing him to work, is liable to a fine of between 3,000 PLN to 30,000 PLN.

5. Whoever, by means of misleading, exploiting a mistake or inability to properly understand the action taken, leads another person to entrust an illegal work to a foreigner, and is liable to a fine of PLN 3,000 to PLN 30,000.

² also applies to a person acting on behalf of the entity entrusting work

³ Provisions of the penal code:

Article 218

§ 1a. Whoever, when performing acts in matters related to labour and social security law, maliciously or persistently violates the employee's rights resulting from employment or social security, is liable to a fine, imprisonment or imprisonment of up to 2 years.

§ 2. The person referred to in § 1a who refuses to be admitted to work, whose restitution has been decided by the competent authority, is subject to a fine, restriction of liberty or imprisonment for up to one year.

§ 3. The person referred to in § 1a who, being obliged by a court decision to pay remuneration for work or other performance from an employment relationship, does not perform it, is subject to a fine, imprisonment or imprisonment of up to 3 years. Art. 218a

Who, maliciously or persistently:

1) contrary to the prohibition of trade and performing activities related to trade on Sundays and public holidays, entrusts the performance of work in trade or performing activities related to trade of an employee or employee,

2) contrary to the prohibition of trade and trade related activities after 14.00 on 24 December or on the Saturday immediately preceding the first day of Easter, entrusts work in trade or performing activities

related to trade of an employee or employees, is subject to a fine or imprisonment.

Article 219

Anyone who violates the provisions of the law on social security by not reporting, even with the consent of the person concerned, the required data or reporting false data affecting the right to benefits or their amount, is subject to a fine, restriction of liberty or imprisonment of up to 2 years.

Article 220

§ 1. Whoever, being responsible for health and safety at work, fails to meet the obligation resulting from it and thus exposes an employee to imminent danger of loss of life or serious injury, is subject to imprisonment of up to 3 years.

§ 2. If the perpetrator acts unintentionally, he / she is subject to a fine, restriction of liberty or imprisonment for up to one year.

§ 3. A perpetrator who has voluntarily waived a threat is not punishable. Article 221

Whoever does not notify the competent authority of an accident at work or occupational disease fails to prepare or fails to submit the required documentation, is subject to a fine of up to 180 daily rates or a penalty of restriction of liberty.

- is a natural person, punished for committing an act in connection with the proceedings for issuing a work permit, act from art. 270-275 of the Act of 6 June 1997 - the Criminal Code, or is an entity managed or controlled by such person 1; 2
- is a natural person punished for an act referred to in art. 189a of the Act of June 6, 1997. - Penal Code², or a punishment in another country based on the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, or is an entity managed or controlled by such person; 2
- does not fulfil the obligations under art. 88h par. 4 of the Act on employment promotion and labour market institutions (see section 3.VI and procedures);
- obligatory conditions on the part of a foreigner - refusal occurs when the foreigner:
 - does not meet the eligibility requirements and other conditions in the case of intending to entrust work in the regulated profession,
 - does not meet the requirements of the entity entrusting the work to a foreigner specified in the starost's information on the inability to satisfy the employer's staffing needs,
 - in connection with the proceedings for issuing a work permit, he/she was punished for the act specified in art. 270-275 of the Act of June 6, 1997 - the Criminal Code.

¹ Provisions of the penal code:

Article 270

§ 1. Anyone who, forges or transforms a document or presents such a document as genuine in order to be used as authentic, is subject to a fine, restriction of liberty or imprisonment from 3 months to 5 years.

§ 2. The same penalty is imposed on whoever fills in the blank, signed with someone else's signature, contrary to the will of the person intended to sign and causes damage to him/her, or uses such a document.

§ 2a. In the case of a minor, the perpetrator is subject to a fine or imprisonment of up to 2 years.

§ 3. Anyone who makes preparations for the offense specified in § 1 shall be subject to a fine or imprisonment of up to 2 years.

Article 270a

§ 1. Whoever, counterfeits or remakes an invoice regarding factual circumstances that may be relevant for determining the amount of public refund or for a tax refund or tax receivable or presents such a forged invoice as genuine for use is subject to imprisonment for between 6 months to 8 years.

§ 2. If the perpetrator commits the act specified in § 1 to the invoice or invoices, including the amount of the total receivable whose value or total value is greater than five times the amount determining the property of great value or by committing such a crime, created for him/her self a permanent source of income, is subject to the penalty of deprivation of liberty for a period not shorter than 3 years.

§ 3. In the case of a minor, the perpetrator of the act specified in § 1 or 2 is subject to a fine, imprisonment or imprisonment of up to 2 years.

Article 271

§ 1. A public official or other person authorized to issue a document that certifies an untruth by him/her with regard to circumstances having legal significance, shall be punished by imprisonment of from 3 months to 5 years.

§ 2. In cases of lesser severity, the perpetrator is subject to a fine or imprisonment.

§ 3. If the perpetrator commits the act specified in § 1 in order to obtain a material or personal advantage, he/she is liable to the penalty of being freed from 6 months to 8 years.

Article 271a

§ 1. Whoever issues an invoice or invoices, including the amount of the total receivable whose value or total value is significant, by confirming an untruth as to the factual circumstances that may be relevant for determining the amount of public law or refund or refund of another tax receivable or use of such an invoice or invoices, subject to the penalty of deprivation of liberty from 6 months to 8 years.

§ 2. If the perpetrator commits the act specified in § 1 to an invoice or invoices, including the amount of the total receivable the value or total of which is greater than five times the amount determined by a property of great value or by committing a crime thereby, made their self a permanent source of income, they will be subject to the penalty of deprivation of liberty for a period not shorter than 3 years.

§ 3. In a case of lesser importance, the perpetrator of the act specified in § 1 or 2 is liable to imprisonment of up to 3 years. Article 272

Whoever extorts by using a statement of untruth by fraudulent misrepresentation of a public official or other person authorized to issue a document, is liable to imprisonment for of up to 3 years.

Article 273

Whosoever uses such a document as specified in art. 271 or 272, is subject to a fine, restriction of liberty or imprisonment up to 2 years.

Article 274

Whoever disposes of his own or someone else's identity document is subject to a fine or imprisonment of up to 2 years.

Article 275

§ 1. Whoever uses a document stating the identity of another person or his/her property rights, or a document used for theft or appropriation, is subject to a fine or imprisonment of up to 2 years.

§ 2. The same penalty is imposed on whoever unlawfully transports, transfers or sends abroad a document confirming the identity of another person or their property rights.

² Provisions of the penal code:

Article 189a

§ 1. Whoever commits trafficking in human beings is subject to imprisonment for a period not shorter than 3 years.

§ 2. Any person who unlawfully makes preparations to commit an offense referred to in § 1 shall be punished by imprisonment of between 3 months and 5 years.

- the data of the requested person have been included in the list of foreigners whose stay on the territory of the Republic of Poland is undesirable;
- this is required by the obligations arising from the provisions of ratified international agreements binding for the Republic of Poland.
- optional premises on the employer's side (refusal may or may not be applicable):
 - from the circumstances it appears that an application for a work permit has been made for convenience, or;
 - the entity entrusting the work to a foreigner does not fulfil the obligations related to running a business or entrusting work to other people, in particular:
 - does not have the financial means or income sources necessary to cover the obligations resulting from entrusting work to a foreigner or;
 - does not conduct any business, agricultural or statutory activity justifying the employment of a given foreigner in a given period, including suspension of activity, being removed from the relevant register or its activity during the liquidation period, or;
 - does not fulfil the obligation to pay social security contributions, for health insurance, for the Labour Fund and the Guaranteed Employee Benefits Fund and for the Bridging Pension Fund or does not fulfil the obligation to pay farmers' social insurance contributions, or;
 - does not report to employees or other persons covered by compulsory social insurance for social security or does not report farmer's helpers within the meaning of the regulations on farmers' social insurance for farmers' social insurance, or;
 - he/she is in default of paying taxes, except for cases when he/she obtained the legally required exemption, postponement, spread into instalments of overdue payments or suspension in full of the implementation of the decision of the competent authority.
- optional premises on the part of a foreigner (refusal may or may not be issued):
 - the permit will be used by a foreigner for purposes other than work for a given entity.

VIII. The grounds for revocation of a work permit

- circumstances or evidence relating to the issued decision have changed, unless it concerns changes permitted by law, and the voivode has received appropriate notification of the entity entrusting the work with changes in the entrepreneur's business or entrusting other types of work;
- the reason for the work permit ceased;
- the entity entrusting the performance of the work did not fulfil the obligations referred to in art. 88h par. 4 of the Act on the promotion of employment and labour market institutions (see section 3.VI and procedures);
- the foreigner no longer meets the requirements referred to in art. 88d of the Act on Promotion of Employment and Labour Market Institutions (see section 3.VI b of the procedure);
- there were circumstances referred to in art. 88i point 5 or 6 of the Act on employment promotion and labour market institutions (the foreigner did not start work within 3 months from the initial permit date, the foreigner stopped working for a period exceeding 3 months), unless the voivode received a notification from the entity entrusting work and from the explanations provided, it appears that the permit will be implemented as intended and the reason for not taking up employment or the reason for the interruption in the performance of work is justified;
- received information that the foreigner is required to enter the list of foreigners whose stay on the territory of the Republic of Poland is undesirable;
- the entity entrusting work to a foreigner does not conduct economic, agricultural or statutory activity, in particular has suspended the activity, has been removed from the relevant register or is in liquidation;

- there were circumstances referred to in art. 88j par. 1 item 3-7 of the Act on employment promotion and labour market institutions (punishing the entity entrusting for offenses under Article 120§1 and 3-5 of the Act on employment promotion and labour market institutions, Articles 218-221 and 270-275 of the Criminal Code.

IX. Expiration of a work permit

The work permit expires by law on the date on which the foreigner has been granted a long-term resident's EU residence permit, permanent residence permit or temporary residence permit and work in connection with work with the same entity entrusting work to a foreigner and in the same position.

X. Form of settling a case

- administrative decision, normally issued within 30 days
- forms:
 - refusal to initiate, leaving the application without consideration - form of challenge: request for restoring the deadline, complaint against the body's inactivity (7 days from finding the deficiencies) + completing the missing formalities
 - positive decision - issuing the permit
 - partially positive decision - issuing a permit with restrictions - a form of challenge: appeal to the Minister of Labour and Social Policy (14 days)
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Minister of Labour and Social Policy (14 days)
- the fee - see Appendix 3 to the procedure

4. Procedure for obtaining permission to work in the course of proceedings for a temporary residence and work permit - art. 114 and the Act on foreigners

I. General assumptions of the procedure

- the permit is issued in a uniform procedure initiated by a foreigner and on his/her application - in this proceeding the employer fills in Appendix 1 of the application for temporary residence and work.
- the labour market test is valid in these proceedings on general terms. In the cases provided for in the Act, the starost's information is necessary as to the inability to meet the staffing needs on the local labour market.

II. Refusal to initiate proceedings for granting permission for temporary residence and work

- the foreigner has a permanent residence permit or long-term EU residence permit or
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on foreigners (humanitarian entry, due to the interest of the state or international obligations) or
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- resides on the territory of the Republic of Poland on the basis of consent for tolerated stay or residence permit on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland (cases of international protection), or;
- applying for international protection or for asylum, or;
- he/she is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;

- he/she is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on foreigners (30 days deadline to leave the country in the case of decisions of refusal or withdrawal of the authorization)
- he/she resides outside the borders of the Republic of Poland.
- when applying for a permit or within the time limit referred to in art. 106 para. 5 of the Act on foreigners (7 days after being called by the voivode) he/she did not submit fingerprints in order to issue a residence card.
- an employee is posted to work on the territory of the Republic of Poland for a limited period by an employer established outside the Republic of Poland - throughout the whole period of delegation or
- he/she stays on the territory of the Republic of Poland on the basis of obligations set out in international agreements to facilitate the entry and temporary stay of certain categories of persons dealing in trade or investment, or;
- conducts business activity in the territory of the Republic of Poland in order to perform work referred to in art. 88 par. 2 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (seasonal work).

III. Conditions for the granting of authorization

- the foreigner has:
 - health insurance or proof of coverage by an insurer of treatment costs on the territory of the Republic of Poland,
 - a source of stable and regular income sufficient to cover the costs of living for themselves and their dependent family members; higher than the amount of the income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance (Journal of Laws of 2017, item 1769 and 1985), with reference to the foreigner and each member of the family dependent on him (PLN 701 and PLN 529 respectively)
 - place of residence on the territory of the Republic of Poland;
 - is qualified or authorized to perform a specific activity whenever the regulations require additional entitlements;
- the employer cannot meet staffing needs in the local labour market, unless:
 - a foreigner or the occupation he/she is subject to has exemptions from the labour market test - see the exceptions described above;
 - immediately before submission of the application, he/she had a work permit or permit for temporary residence and work with the same employer in the same position;
 - in the period of 3 years preceding the submission of the application, he/she graduated from a university located in the territory of the Republic of Poland or another country of the European Economic Area or the Swiss Confederation or participates in doctoral studies in the Republic of Poland;
 - in the period of 3 years preceding the submission of the application, he/she resided legally and incessantly in the territory of the Republic of Poland (uninterrupted stay - as defined in Article 195 (4) of the Act on foreigners - see procedure: Permanent residence permit);
- the remuneration, which is indicated by the employer in an Appendix to the application for a permit, is not lower than the remuneration of employees performing the same time of work in a comparable type of job or in a comparable position.
- the amount of monthly remuneration referred to above is not lower than the minimum remuneration for work.

IV. Refusal of authorization

- the foreigner does not meet the requirements of granting him/her this permit;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;

- his/her data can be found in the Schengen Information System for the purposes of refusal of entry (in exceptional cases, permission can be granted taking into account the interests of the Schengen State that entered the alert), or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined with it documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspended in full the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to a treatment obligation, he/she does not consent to this treatment, or;
- filed an application during an illegal stay or stays on the territory of the Republic of Poland illegally, or;
- the entity entrusting the performance of the work or the entity managing it or controlling it:
 - has been legally punished for the offense referred to in art. 120 par. 1 of the Act on the Promotion of Employment and Labour Market Institutions, and within 2 years of being punished, he/she was again punished for a similar offense or;
 - was legally penalized for offenses referred to in art. 120 par. 3-5 of the Act on employment promotion and labour market institutions, or;
 - is a natural person convicted by a valid judgement for an offense referred to in art. 218-221 of the Penal Code, or;
 - is a natural person convicted by a valid judgement for an offense referred to in art. 270-275 of the Penal Code, committed in connection with the proceedings on the issuance of a work permit, or;
 - is a natural person convicted by a valid judgement for an offense referred to in art. 9 or art. 10 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland¹, or;

¹ Act of June 15, 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland:

Article 9

1. Whoever entrusts, at the same time, the performance of work to many foreigners staying without a valid document authorizing them to stay on the territory of the Republic of Poland, is subject to a fine or imprisonment.

2. The same penalty applies to whoever entrusts work to a minor foreigner staying without a valid document authorizing him/her to stay on the territory of the Republic of Poland.

3. The penalty specified in para. 1 is subject to whoever in connection with his/her business activity persistently entrusts the performance of work to a foreigner staying without a valid document entitling him/her to stay on the territory of the Republic of Poland.

Article 10

1. Whoever entrusts work to a foreigner staying without a valid document entitling him/her to stay in the territory of the Republic of Poland under conditions of special use, shall be punished by imprisonment of up to 3 years.

2. The same penalty is imposed on whoever entrusts work to a foreigner staying without a valid document entitling him/her to stay on the territory of the Republic of Poland who is a victim of an offense specified in art. 189a § 1 of the Act of 6 June 1997 - the Penal Code.

3. The conditions of special use referred to in paragraph 1, means the working conditions of the person or persons entrusted with the performance of work in violation of the law, involve denying human dignity and is grossly dissimilar, in particular on grounds of sex, in comparison with the working conditions of persons entrusted with performing work in accordance with the law, affecting especially the health or safety of people who work.

Article 11

1. Whoever intentionally entrusts work to a foreigner staying without a valid document entitling him/her to reside on the territory of the Republic of Poland, if this work is not related to the economic activity carried out by the person entrusting the work, is subject to a fine of up to PLN 10,000.

2. Incitement and aiding for the act referred to in paragraph 1, are punishable

- has been legally punished for the offense referred to in art. 11 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland;
- foreigner:
 - he or she does not have formal qualifications or does not meet other conditions that are required if he/she intends to entrust him/her to work in a regulated profession within the meaning of art. 5 point 4 of the Act of 22 December 2015 on the rules for the recognition of professional qualifications acquired in the Member States of the European Union (Journal of Laws of 2016, item 65), or;
 - he/she was convicted by a valid sentence for an offense referred to in art. 270-275 of the Penal Code, committed in connection with the proceedings regarding the issue of a work permit or granting him/her a temporary residence and work permit, or;
 - does not meet the requirements of the entity entrusting the work to a foreigner specified in the information of the starost on the inability to satisfy the personnel needs of that entity.
- The granting of a temporary residence and a work permit may be refused (optional condition) if the employer does not have the financial resources or income sources necessary to cover the obligations resulting from entrusting work to a foreigner or does not conduct a real economic, agricultural or statutory activity justifying the entrusting of work to a foreigner in a given period, in particular, it suspended its activity or was removed from the relevant register or its activity is in the liquidation period.
- the granting of a temporary residence permit may be refused (optional condition), if the obligation referred to in art. 113 of the Act on foreigners (notification of the province governor about the reasons for staying within 15 working days), if the application for granting a further temporary residence permit has been submitted by the foreigner within one year of the expiry of the preceding authorization or from the day on which the decision on withdrawal of a temporary residence permit has become final.

V. Form and content of the decision

- the content of the decision (a): the period of validity of the permit, the employer's name, and in the case when the foreigner will be a temporary employee - also the user's employer's designation; the position on which the foreigner is to perform the job; the lowest salary that a foreigner can receive at a given position; working hours; the type of contract under which the foreigner is to work, unless the foreigner meets the conditions for exemption from the obligation to have a work permit. In the latter case, the decision includes information that the foreigner is entitled to work under the conditions set out in the provision being the basis for dismissal from the obligation to have a work permit.
- the decision may contain more than one employer - in this case the elements of the decision content are determined separately for each entity.
- if the application for granting a temporary residence and work permit to a foreigner concerns part-time or work on the basis of a civil law contract, in the decision on granting a permit for temporary residence and the work is the lowest remuneration indicated in proportion to the working time or anticipated the period of performing obligations under the contract.

VI. The period of authorization

- necessary to achieve the purpose of stay - usually equal to the period of the work permit
- in the range of 3 months to 3 years, with restrictions resulting from the Governor's Regulation (see point 2.V of the procedure)

VII. Changes to the decision and permission

- Change of the registered office or place of residence, name or legal form of the employer or take-over of the employer or its part by another employer, or transfer of the workplace or part thereof to another

employer, or the replacement of a civil law contract with a job contract does not require a change or the issuance of a new permit for temporary residence and work.

- The permit for temporary stay and work may at any time, at the request of a foreigner, be changed by the voivode competent for the place of the foreigner's current residence, if the foreigner intends to work with another employer or under other conditions than those specified in art. 118 para. 1 point 2-5 (decision elements - see section 4.V.a of the procedure)
- The voivode may refuse to change the permit for temporary residence and work if:
 - the foreigner does not meet the conditions referred to in art. 114 par. 1 point 1 or 2 of the Act on Foreigners (means of subsistence, health insurance, place of residence), or;
 - the entity that entrusts the performance of work does not meet the conditions referred to in art. 114 par. 1 point 3 or 4 (inadequate remuneration, the ability to meet needs on the local labour market).
- The voivode refuses to change the permit for temporary residence and work if the period of validity of the amended permit exceeds 3 years.

VIII. Information duties

- A foreigner who has been granted a temporary residence permit notifies the voivode who granted the permit within 15 working days of the cessation of the reason for granting the permit, under the refusal to grant another temporary residence permit, if the application for its granting was filed before expiration of one year from the expiry of the period of validity of the preceding permit or from the date on which the decision on withdrawal of the temporary residence permit became final.
- A foreigner staying on the territory of the Republic of Poland on the basis of a temporary residence permit and work, notifies in writing the voivode who granted the permit, within 15 working days, about losing a job from any of the entities entrusting the work referred to in the permit.

IX. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or he/she combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or used such a document as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained an exemption, deferral, or spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
 - he/she did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
 - subject to the obligation of treatment, he/she does not consent to this treatment
- the position specified in the permit has changed or the amount of the remuneration has been reduced, and the authorization has not been changed or;
- the entity entrusting the work to a foreigner does not conduct business, agricultural or statutory activity, in particular; has suspended the activity, has been removed from the relevant register or is in the liquidation period

- The provisions related to the termination of the purpose of stay and ceasing to meet the requirements for granting temporary residence permit as grounds for withdrawal of this permit do not apply if within 30 days counted from the date of job loss for the entity entrusting the performance of the work mentioned in the permit if the foreigner demonstrates that he/she has fulfilled the obligation to notify of the loss of employment, or, if such notification has not been served for reasons beyond the control of the foreigner. This circumstance can occur only once during the authorization period.

(NOTE: from 1 January 2019, the period for seeking work after losing it will be extended to 3 months and the circumstance related to the loss of employment will be allowed twice in the permit period).

5. Required documents:

- completed application for temporary residence permit
- completed Appendix 1 to the application for temporary residence
- confirmation of payment of stamp duty from the application
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer
- confirmation of having means of subsistence (this may be in the form of a concluded employment contract or civil law agreement, or through a printout from the account, proving regular cash inflows to the account)
- confirmation of having a place of residence (a rental agreement or other form of contract proving the possession of the right to use the premises where the foreigner resides)
- an employment contract concluded with an employer, or a civil law contract concluded with an employer, or a declaration of an employer about the intention to work on a specific date, when this has not yet taken place
- information from the starost about the inability to meet the needs of the employer on the local labour market, unless the foreigner is relieved from presenting such information.
- photocopy of all pages of the foreigner's passport and 4 passport photographs.

6. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision – issuing the permit
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee – duty for issuing a temporary residence permit stamp is PLN 440

7. deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland,
 - if the application is submitted on time and there is no need to supplement the formal defects of the application, the foreigner receives a stamp confirming the legality of his stay - the stay is legal from the day of submission of the application to the day of issuing the final decision,
 - important: if a foreigner has a work permit prior to submission of the application, he/she can continue working after submission of the application if he/she did not have a prior work permit - he/she will be able to take it only after the decision has been issued, unless he/she obtains an authorization by the standard course of procedures - see point 3 of the procedure.

8. Duties related to losing the basis of residence

- cessation of meeting the conditions or the expiration of the permit - departure from Poland on the last day of legal stay. Informing the voivode within 15 working days about losing the basis of residence or ceasing to fulfil the conditions. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa traffic, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Issuing a temporary residence permit to persons made redundant from having a work permit.
2. Submission of an application for a temporary residence and work permit
 - a) filling in the application, payment of fees and attaching the required documents
 - b) filling in by the authorized representative of the employer, Appendix No. 1 to the application
 - c) attaching information from the starost on the inability to meet needs on the local labour market, unless the foreigner is released
 - d) submission of fingerprints at the office
3. decision by the office
4. getting a residence card

Appendix No. 1 to the procedure: business sub-classes regarding seasonal work permits

SECTION /	CLASS / SUBCLASS	GROUP NAME / COMMENTS
SECTION A AGRICULTURE, FORESTRY, HUNTING AND FISHING		
01		AGRICULTURAL CROPS, HOMES AND ANIMAL BREEDING, HUNTING, INCLUDING SERVICE ACTIVITIES
01.1		Agricultural crops other than perennial
	01.11.Z	Cultivation of cereals, legumes and oilseeds for seeds, excluding rice
	ex.01.13.Z	Growing of vegetables, including melons, and cultivation of root crops and tuberous plants with the exception of activities related to the cultivation of mushrooms, the cultivation of tomatoes in
	01.15.Z	Growing tobacco
	01.16.Z	Growing fibrous plants
	ex.01.19.Z	Other agricultural crops other than perennial with the exclusion of activities related to growing flowers in greenhouses, production of cut flowers and flower buds
01.2		Growing perennial crops
	01.21.Z	Growing grapes
	01.24.Z	Growing of pome fruit, stone trees and shrubs
	01.25.Z	Growing of other fruit trees and bushes and nuts
	01.28.Z	Growing of spice and aromatic plants and plants used for the production of medicines and pharmaceutical products
	01.29.Z	Growing of other perennial crops
01.3	ex.01.30.Z	Plant propagation with the exception of activities related to the cultivation of plants for reproduction and cultivation of mycelium, including substrata with
01.4		Animal husbandry and breeding
	01.41.Z	Rearing and breeding of dairy cattle
	01.42.Z	Rearing and breeding of other cattle and buffalo
	01.43.Z	Rearing and breeding of horses and other equine animals
	01.45.Z	Rearing and breeding of sheep and goats
	01.49.Z	Rearing and breeding of other animals
01.5	01.50.Z	Crops mixed with livestock and animal husbandry (mixed activity)
01.6		Service activities supporting agriculture and following the harvest
	01.61.Z	Service activities supporting plant production
	01.62.Z	Support services for raising and breeding livestock
	01.63.Z	Service activities following the harvest
	01.64.Z	Seed treatment for the purposes of plant propagation
SECTION I ACTIVITIES RELATED TO ACCOMMODATIONS AND GASTRONOMIC SERVICES		
55		ACCOMMODATIONS
55.2	55.20.Z	Tourist accommodations and short-term accommodations
55.3	55.30.Z	Camping sites (including fields for camping vehicles) and camping sites
56		SERVICE ACTIVITIES RELATED TO FOOD
56.1		Restaurants and other catering establishments
	56.10.B	Mobile catering establishments

*) means an incomplete scope of a given sub-class of activity according to the Polish Classification of Activities, in which the permit for seasonal work of a foreigner is issued.

Appendix No. 2 - categories of professions for which a work permit is issued without the need to obtain information of the starost - Lesser Poland Voivodeship

A list of professions and types of work for which the issuance of a work permit does not require the information of the starost to be taken into account

No.	Name of the profession	Occupation
1.	Doctor (all specialties)	2212
2.	Nurse (all specialties)	2222
3.	The driver of a tractor	833202
4.	Truck driver	833203
5.	Cook	512001
6.	Specialists for information and communication technologies	25

Appendix No. 3 - the amount of fees related to submitting an application for a work permit or registering a statement

The amount of fees (effective from January 1, 2018)

No.	Application fee	Fee for the application for	Type of issued permit or declaration
1.	50 PLN	25 PLN	If the entity entrusting the work to a foreigner intends to entrust the performance of work on the basis of a work permit for a period not exceeding 3 months
2.	100 PLN	50 PLN	In the case when the entity entrusting the work to a foreigner intends to entrust the foreigner with performing work on the basis of a work permit for a period longer than 3 months
3.	200 PLN	100 PLN	In the case when the entity entrusting the work to a foreigner intends to delegate the foreigner to the territory of Poland in order to provide an export service
4.	30 PLN	30 PLN	In the case where the entity entrusting the work to a foreigner intends to entrust the performance of work on the basis of a seasonal work permit
5.	30 PLN	–	In the case where the entity entrusting the performance of work to a foreigner intends to entrust the performance of work on the basis of a statement on entrusting the performance of work to a foreigner entered in the records of declarations

Appendix 4 - list of professions for which the voivode issues a work permit without having to obtain the information referred to in art. 88C par. 1 point 2 of the Act

Digital symbol in the classification of occupations and	The name of the profession and specialty or elementary
1	2
2141	Engineers for industry and production
214912	Concrete technology engineer
214916	Glass technology engineer
2151	Electrical engineers
2212	Specialist physicians (with 2nd degree specialization or the title of specialist)
2221	Nurses without specialization or during specialization
2222	Nurses with the title of specialist
2511	Analysts of computer systems
2512	Specialists for the development of information systems
2513	Designers of network and media applications
2514	Application developers
2519	Analysts of computer systems and programmers not classified elsewhere
2521	Database designers and administrators
2522	Administrators of computer systems
2523	Specialists for computer networks
2529	Specialists for databases and computer networks not elsewhere classified
3112	Construction technicians
3113	Electricians technicians
3114	Electronics technicians and related
341201	Assistant to a disabled person
341202	The carer of an elderly person
341203	Carer in a social care home S
7112	Bricklayers and related workers
7114	Concrete workers, concrete fixers and related workers
7115	Carpenters and construction carpenters
7116	Road construction workers
7121	Roofers
7122	Workers of flooring, parquet flooring and tilers
7123	Plasters and related workers
7124	Insulation fitters
7131	Building workers, painters and related workers
7212	Welders and related workers
7222	Locksmiths and related workers
7411	Construction and related electrician workers
833101	Bus driver
8332	Truck drivers
8342	Operators of earthmoving and related equipment
8343	Drivers and operators of lifting and transport machines and equipment

The list of professions was determined taking into account the regulation of the Minister of Labour and Social Policy of 7 August 2014 on the classification of professions and specialties for the needs of the labour market and the scope of its application (Journal of Laws of 2018, item 227). The "s" marker means occupations of vocational education taught in the education system.

Appendix No. 5 - documents submitted to issue a work permit in standard mode

When submitting an application for a permit, the employer presents:

1. a document from the relevant register confirming the legal status and form or nature of the activity carried out by a foreign employer - in the case of an application for type C, D or E permit;
2. a valid ID card or a valid travel document, or, if he/she does not have such a document and cannot obtain it, another valid document confirming the identity - in the case when the entity believing the foreigner to perform work is a natural person;
3. company agreement - if the entity entrusting the work to a foreigner is a limited liability company in an organization or a partnership, or notarial acts on the association of a company - if the entity entrusting the work to a foreigner is an organization;
4. a copy of all completed pages of the valid travel document of the foreigner concerned by the application, and if the foreigner does not have a valid travel document and is not able to obtain it - a copy of another valid document confirming his/her identity;
5. documents confirming the existence of circumstances referred to in art. 88c para. 8 of the Act on Promotion of Employment and Labour Market Institutions (hereinafter: the Act) (graduation from Poland, the Swiss or EEA Confederation, commencement of doctoral studies in Poland, uninterrupted residence in Poland for a period of three years preceding the application for a work permit) ;
6. original information referred to in art. 88c para. 1 point 2 of the Act, issued not earlier than 180 days before the date of submission of the application, and in cases justified by the starost - 90 days before the date of submission of the application - if it is required (certificate from the labour market test);
7. a copy of the statement on the amount of income or loss suffered by the entity entrusting the work to a foreigner as a taxpayer of income tax from legal persons in the tax year preceding the submission of the application - in the case of an application for a Type B permit;
8. documents confirming the employment status in the year preceding the submission of the application - in the case of an application for a Type B permit;
9. documents confirming the circumstances referred to in art. 88c para. 4 point 2 of the Act - in the case of an application for a Type B permit, if the premise for issuing a permit is to demonstrate these circumstances (the ability to achieve the required income and development criteria for companies authorized to run a host enterprise);
10. information on the current employment status of the entity entrusting the work to a foreigner - in the case of an application for a Type B permit, if the party applies for a permit for a period exceeding 3 years;
11. a contract under which the service on the territory of the Republic of Poland is or will be provided - in the case of an application for a type D license;
12. a document drawn up by the user's employer, confirming the agreement on the foreigner's destination by the temporary work agency - in the case where the entity entrusting work is that agency;
13. documents confirming the links referred to in art. 88 par. 1 point 3 of the Act - type C (connection of a plant or a branch with a foreign entity);
14. documents confirming that the foreigner meets the requirements of the job seeker, specified in the starost's information on the inability to satisfy the employer's staffing needs - in the case of an A-type application - if the starost's information was required;
15. proof of payment - including the name and surname of the foreigner
16. documents confirming the fulfilment of qualification requirements and other conditions in the event of entrusting the foreigner with performing work in the regulated profession.
17. the original power of attorney to represent the employer if a third person acts on his/her behalf.

If the foreigner meets the conditions that predestine him/her to the issue of a work permit by the voivode, without taking into account the conditions referred to in art. 88c para. 1-5 and 7 of the Act on employment promotion and labour market institutions, i.e. if:

1. in the period of 3 years preceding the submission of the application for a work permit, he/she graduated from a university located in the territory of the Republic of Poland or another country of the European Economic Area (Iceland, Norway, Lichtenstein) or the Swiss Confederation or participates in doctoral studies carried out in the Republic of Poland or;
2. for three years preceding the submission of the application for a work permit, he/she was legally resident in the territory of the Republic of Poland and the stay was uninterrupted within the meaning of art. 195 par. 4 acts of 12 December 2013 on foreigners.) - documents confirming their fulfilment should be submitted

he/she is then released from the conditions set out in points 6, 7, 8

Documents prepared in a foreign language, with the exception of travel documents, used as evidence in the proceedings for the issue of a work permit or in proceedings for the extension of a work permit, shall be submitted together with their translation into Polish made by an official sworn translator.

Appendix No. 6 - classification of work permits

A foreigner performs work on the territory of the Republic of Poland on the basis of an agreement with an entity whose registered office or place of residence or a branch, establishment or other form of organized activity is on the territory of the Republic of Poland (type A).

Note: from January 1, 2018, A-type work permits are issued only outside the scope of activity specified in the Regulation of the Minister of Family, Labour and Social Policy of December 8, 2017 on business sub-classes according to the PKD classification, in which permits for seasonal work of a foreigner are issued (Journal of Laws of 2017, item 2348), i.e. outside of seasonal work.

A foreigner performs work in connection with the management of a legal person entered into the Register of Entrepreneurs or a capital company in an organization or in connection with running a partnership or limited joint-stock partnership as a general partner or in the territory of the Republic of Poland by granting him/her a proxy; a period exceeding a total of 6 months over the next 12 months (type B).

The foreigner performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in a calendar year to a branch or plant of a foreign entity or related entity within the meaning of the Act of 26 July 1991 on personal income tax, with a foreign employer (type C).

A foreigner performs work with a foreign employer who does not have a branch, establishment or other form of organized activity in the territory of the Republic of Poland and is delegated to the territory of the Republic of Poland to provide temporary and occasional services (export service) (type D).

The foreigner performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in the next 6 months for a purpose other than indicated in points 2-4 (type E).

Subchapter II. PROCEDURE FOR OBTAINING A SEASONAL WORK PERMIT AND TEMPORARY STAY IN CONNECTION WITH SEASONAL WORK

1. Entities covered by a seasonal work permit

- Foreigners who are citizens of:
 - The Republic of Armenia;
 - The Republic of Belarus;
 - The Republic of Georgia;
 - The Republic of Moldova;
 - Russian Federation;
 - Ukraine

are privileged and exempt from the labour market test;

- other foreigners - third-country nationals are not exempt from the labour market test, unless they intend to work in the professions specified in Appendix 4 to the procedure for temporary residence and work permit contained in subchapter I, provided that any of these professions is carried out in the field of activity specified in Appendix 1 to the procedure for temporary residence and work permit, contained in subchapter I;
- who work in the areas of activity specified in the regulations issued on the basis of art. 90 sec. 9, unified text, Regulation of the Minister of Family, Labour and Social Policy in the matter of sub-classes according to the Polish Classification of Activities (PKD), in which seasonal work permits are issued to the foreigner (Journal of Laws of 2017, item 2348), and including: see Appendix 1 to the procedure concerning temporary residence and work permit, contained in subchapter I

for a period of no more than nine months in the next 12 months.

2. Conditions for issuing the permit

- the amount of remuneration, which will be specified in the contract with the foreigner, will not be lower than the remuneration of employees performing at the same time work of a comparable type
- or in a comparable position and not lower than the minimum remuneration for such work; the entity entrusting the work to a foreigner has joined the application for a work permit for seasonal information of the starost, that the entity cannot meet the staffing needs on the local labour market;
- The labour market test does not apply in the case of entrusting work to a foreigner who is a citizen of a country specified in the regulations issued on the basis of art. 90 sec. 10 of the Act on employment promotion and labour market institutions (Republic of Armenia, Republic of Belarus, Republic of Georgia, Republic of Moldova, Russian Federation, Ukraine). In other cases, the labour market test is carried out on the basis of the same as for the work permit obtained in the standard course;
- the foreigner has certain qualifications or necessary permits, if the occupation to be performed is of a regulated nature or the regulations require specific permits;
- in addition, without a labour market test and other permit requirements, a seasonal work permit may be granted for foreigners who:
 - in the period of 3 years preceding the submission of the application for a seasonal work permit, have graduated from a university located in the territory of the Republic of Poland or another country of the European Economic Area or the Swiss Confederation or participate in doctoral studies carried out in the Republic of Poland or;
 - for three years preceding the application for a work permit were legally resident in the territory of the Republic of Poland, and the stay was uninterrupted within the meaning of art. 195 par. 4 of the Act on foreigners;
- the foreigner meets the conditions for issuance of a seasonal work permit or exemptions from the obligation to hold such a permit;
- being in Poland on the basis of a seasonal work permit makes it impossible to obtain a temporary residence permit and work in a standard mode.

3. The procedure for issuing permits

- competent authority: starost at the seat of the entity entrusting work (in larger cities this function is exercised by the city mayor),
- Applicant: employer - application on a form analogous to the work permit form in standard mode,
- the procedure for entering the application into the register of applications for seasonal work:
 - If the foreigner indicated in the application for a seasonal work permit will apply for a visa, referred to in art. 60 par. 1 point 5a of the Act on Foreigners (visa due to seasonal work), or intends to enter the territory of the Republic of Poland under a visa-free regime, and the employer meets the conditions referred to in art. 88o of the Act on the promotion of employment and labour market institutions (see point 2 of the procedure), and there are no circumstances due to which the permission for seasonal work is refused, the proper starost enters the application in the register;
 - the starost also grants to the entity entrusting work to a foreigner a certificate of entry of the above mentioned records in 3 copies.
 - the starost examines applications for a seasonal work permit, taking into account the priority of foreigners who, at least once in the 5 years preceding the application submission, performed work for a given entity on the basis of a seasonal work permit if the work is performed on the basis of an employment contract.
 - in matters not requiring explanatory proceedings, the starost performs the task of entering the application into the register and issuing the certificate or issues a decision of refusal to issue a seasonal work permit within 7 working days from the date of submission of the complete application.
 - in matters requiring explanatory proceedings, the starost performs the above actions or issues a decision of refusal to issue a seasonal work permit, within 30 days of submission of a complete application.
 - 7 or 30 days are respectively applicable to matters relating to the issue of a seasonal work permit in which entry into the register of applications for seasonal work is not required.
 - a certificate confirming the entry of an application for a seasonal work permit into the record of applications for seasonal work is submitted by the employer to this foreigner.
 - if the application for a seasonal work permit has been entered into the application record, the seasonal work permit is issued after entry of the foreigner into the territory of the Republic of Poland on the basis of a visa issued for the purposes of seasonal work (Article 60 point 5a of the foreigners Act) or in within the framework of visa-free travel, if the employer presented to the proper starost:
 - a copy of a valid document entitling the foreigner to stay on the territory of the Republic of Poland (a);
 - information on the foreigner's accommodation address during the foreigner's stay in the territory of the Republic of Poland (b).
 - work following the conditions specified in the certificate of entry of a permit for seasonal work in the record of seasonal work applications is deemed legal from the date on which the entity entrusting the work to the foreigner presented the documents referred to in paragraph 3a and b of the procedure, by the date of delivery of the Starost's decision regarding the permit for seasonal work. For periods of legal work, at the request of the party, periods of suspension of proceedings are not included.
 - if the date of commencement of work by a foreigner falls on a day off work of the office, work under the conditions specified in the certificate of entry of the permit for seasonal work in the register of applications for seasonal work is considered legal also when on the first day of work of the office the entity entrusting the performance of work to a foreigner, he/she presented to the appropriate headquarters documents referred to in point 3a and b of the procedure.

- if the application for a seasonal work permit has been entered in the records of applications kept by the starost and the entity entrusting work to a foreigner within 120 days from the date of entry has not provided a copy of a valid document entitling the foreigner to stay on the territory of the Republic of Poland, - the application for a seasonal work permit is not discontinued.
This provision shall not apply if circumstances indicate that the seasonal work permit will be used in accordance with the purpose at a later date.
- important: if the application for a seasonal work permit concerns a foreigner who stays on the territory of the Republic of Poland on the basis of a document other than a visa issued for the purpose of seasonal work or as part of a visa-free travel without an application entered in the register, the foreigner's work under the conditions set out in the application is deemed legal from the date of submission of an application which does not contain formal defects, until the date of delivery of the starost's decision regarding the permit for seasonal work, but not longer than for 30 days. Provisions of art. 88p par. 9 of the Act on employment promotion and labour market institutions apply accordingly (work started on a day off).
- A seasonal work permit is issued for a specific foreigner;
- The permit specifies: the employer, the lowest remuneration of the foreigner, the working time or the number of working hours in a week or month, the type of contract being the basis for the work and the period of validity of the permit. If the permit concerns the foreigner's work as a temporary employee, the work permit is also determined by the employer, as well as the date of entry into the territory of the Schengen area and data on the stay of the foreigner on the territory of the Republic of Poland on the day of submission of the application, including the legal basis; information as to whether the foreigner applied for has performed work for the applicant during the 5 years preceding the submission of the application on the basis of a seasonal work permit; a statement that according to the knowledge of the entity that believes in performing work by the foreigner on the basis of a seasonal work permit, the foreigner provides himself/herself with accommodation, or a statement of the entity entrusting the foreigner with the job by providing the foreigner accommodation; information on the expected paid leave of the foreigner.
- A seasonal work permit is issued for a definite period, which cannot be longer than 9 months in a calendar year.
- in the case of a foreigner who entered the territory of the Republic of Poland on the basis of a visa issued for the purpose of performing seasonal work or as part of visa-free travel in connection with an application for a seasonal work permit entered into the application register kept by the starost, the period covered by the permit is counted from the day of the first entry of the foreigner into the territory of the Schengen area countries in a given calendar year.
- if the application for a seasonal work permit applies to a foreigner who stays on the territory of the Republic of Poland on a different basis than a visa in connection with seasonal work or visa-free travel, related to the performance of such work which may include the right to perform work, the permit may be issued for the period of legal residence, but no longer than for a period of 9 months during the calendar year, counted together with periods specified in the previous permits issued for seasonal work for that foreigner.
- if the foreigner entered the territory of the Republic of Poland on the basis of a visa issued for the purposes of seasonal work or as part of visa-free travel in connection with the application for a seasonal work permit entered into the register kept by the starost, and the employer on the basis of a seasonal work permit provides him/her with accommodations, this entity is obliged to conclude with the foreigner in writing a separate agreement specifying the terms of the lease or lending of a residential unit.
 - The rent for a residential unit cannot be deducted from the remuneration of a foreigner. Provisions of the contract providing for the possibility of automatic deduction of rent from the foreigner's remuneration are invalid.

- Before signing the accommodation contract, the entity entrusting the work to a foreigner is obliged to provide the foreigner with a translation of the contract into a language he/she understands.

4. Employer's obligations

- inclusion in the contract with a foreigner of the general terms and conditions of the seasonal work permit (see point 2 of the procedure);
- adjusting the amount of the foreigner's remuneration to the current amount of the minimum remuneration for such work at least once a year;
- conclusion of a written contract with the foreigner and presentation to the foreigner, prior to signing the contract of a translation in his/her language by transferring one copy of the work permit to the foreigner to whom the permit applies, in writing;
- informing the foreigner about actions taken in connection with the proceedings for granting or renewing a work permit and decisions made to issue, refuse or revoke the permit;
- exercise due diligence in proceedings for authorization, extension and revocation of a permit for seasonal work of a foreigner;
- in the event of a breach of the above obligations and failure to pay due remuneration or failure to pay due social insurance contributions, the employer is obliged to (a):
 - immediate performance of the duties to which he/she is obliged, payment of remuneration and repayment of social obligations (a);
- the employer, within 7 days, informs the voivode who issued the work permit in writing about the following circumstances:
 - the foreigner has started work of a different nature or position other than those specified in the work permit, on conditions permitted by law (30 days during the period of validity of the permit - see point 6a of the procedure);
 - there has been a change in the registered office or place of residence, the name or legal form of the employer or the transfer of the workplace or part thereof by another employer;
 - there was a transition of the workplace or part thereof to another employer;
 - the person representing the employer who has been appointed to contact the office has changed;
 - the foreigner did not start work within 3 months from the initial validity date of the seasonal work permit;
 - the foreigner stopped work for a period exceeding 3 months;
 - the foreigner completed his/her work earlier than 3 months before the expiration of the period of validity of the work permit.

5. Long-term seasonal work permit

- At the request of the employer, the starost may enter the application for a permit for seasonal work for periods not longer than 9 months during the calendar year falling respectively within no more than 3 consecutive calendar years to the record of applications for work which he/she conducts, if the foreigner is a citizen of the Republic of Armenia; The Republic of Belarus; The Republic of Georgia; The Republic of Moldova; Russian Federation; Ukraine, and the entity entrusting work to a foreigner:
 - He/she entrusted the performance of work to the foreigner to whom the application applies, in accordance with the permission for seasonal work at least once in the 5 years preceding the day of submission of the application;
 - he/she is not in arrears with advance payment of income tax and social security contributions, if they were required in connection with work performed by that foreigner, except when he/she has spread overdue payments into instalments or suspends execution of the relevant decision in full authority.

6. Conditions for changing the permit

- An entity entrusting work to a foreigner on the basis of a seasonal work permit may entrust him/her with work of a different kind than work performed as part of the activities specified in the regulations issued on the basis of art. 90 sec. 9 of the Act on the promotion of employment and labour market institutions (see Appendix 1 to the procedure mentioned in sub-chapter I) for periods not longer than 30 days in total, within the validity period of the permit, if the following conditions are met:
 - the foreigner is a citizen of the Republic of Armenia; The Republic of Belarus; The Republic of Georgia; The Republic of Moldova; Russian Federation; Ukraine;
 - the foreigner receives a remuneration not lower than specified in the seasonal work permit;
 - the foreigner does not perform work as a temporary employee.
- The issuance of a new seasonal work permit is not required if (b):
 - there has been a change of the registered office or place of residence, the name or legal form of the employer or the transfer of the workplace or part thereof by another employer (b);
 - the work place or part thereof has passed to another employer (b);
 - the employer and the foreigner have entered into a contract of employment instead of a civil law contract or a contract for assistance with the harvest in the meaning of the provisions on farmers' social insurance instead of another civil law agreement (b);
 - the employer and the foreigner have concluded a contract other than the one indicated in the seasonal work permit agreement on aid for harvesting within the meaning of the regulations on farmers' social insurance (b);
 - the circumstances referred to in point 5a of the procedure occurred.
- If the entity entrusting the work to a foreigner is a temporary work agency, this entity shall notify the starost who issued the permit for seasonal work in writing of the circumstances referred to in point 5b of the procedure within 7 days of their occurrence.

7. Extension of the permit

- If a foreigner entered the territory of the Republic of Poland on the basis of a visa issued for the purposes of seasonal work or as part of visa-free travel in connection with an application for a work permit for seasonal work entered into the register kept by the starost, the starost may issue an extension of the seasonal work permit to continue seasonal work by the foreigner for the same employer or to perform seasonal work for another employer. The provision of art. 88p par. 7 of the Act on the Promotion of Employment and Institutions of the Labour Market shall be applied accordingly (the obligation to present a travel document and the address of accommodation).
- If a foreigner stays on the territory of the Republic of Poland on the basis of a different document than a visa issued for the purpose of performing seasonal work or as part of a visa-free travel without connection with an application entered into the register kept by the starost, the starost refuses to initiate proceedings on the extension seasonal work permit. (extension is not possible if another residence title is obtained)
- The extension of a seasonal work permit is issued for a period which, together with the period of stay of the foreigner for the purpose of performing seasonal work, counted from the first entry into the territory of the Schengen states in a given calendar year, is not longer than 9 months during the calendar year.
- If the employer, on the basis of a seasonal work permit, applied for an extension of the seasonal work permit for that foreigner and the application does not contain formal defects or any formal defects have been completed on time, the foreigner's work under the conditions set out in the seasonal work permit is considered to be legal from the day of submission of the application until the day on which the decision on the extension of the seasonal work permit becomes final. For periods of legal work, periods of suspension of proceedings at the request of a party are not included.
- The above rule is applicable, if after the end of work under the agreement on aid for harvesting within the meaning of the regulations on farmers' social insurance, the foreigner

will perform work under a different contract, and the other conditions for performing work specified in the seasonal work permit will not change.

- important: if the application for prolongation of a seasonal work permit was submitted by an entity that did not entrust work to a given foreigner on the basis of a seasonal work permit in the period directly preceding the day of submission of the application, the work of that foreigner under the conditions specified in the application is considered legal until the day of issue of the decision of the starost, but no longer than for a period of 30 days counted from the date of submission of an application which does not contain formal defects.

8. Refusal to grant a work permit

- obligatory premises on the employer's side:
 - when in the course of the proceedings:
 - filed an application containing false personal data or false information, or attached documents containing such data or;
 - he/she testified untruthfully or concealed the truth, or submitted a counterfeit or reworked document to be used or was used as a genuine document;
 - did not meet the general requirements for issuing an authorization - see point 2 of the procedure)
 - has been validly punished for the offense specified in art. 120 par. 3-51 of the Act on the promotion of employment and labour market institutions 2, unless the employer has been convicted of offenses under art. 120 par. 1 of the Act (a)
 - within two years from being found guilty of committing an act referred to in art. 120 par. 1, was again validly punished for a similar offense 8 (b)
 - is a natural person, punished for committing an act under art. 218-221 of the Act of June 6, 1997 - Penal Code³; 8 (c)
 - is a natural person, punished for committing in connection with the proceedings for issuing a work permit, act from art. 270-275 of the Act of 6 June 1997 - the Criminal Code, or is an entity managed or controlled by such person 4; 8 (d)
 - is a natural person punished for an act referred to in art. 189a of the Act of June 6, 1997. - Penal Code⁵, or a punishment in another country based on the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, in particular Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, or is an entity managed or controlled by such person; 8 (e)
 - does not fulfil the obligations under art. 88h par. 4 (see point 4a of the procedure);
- obligatory conditions on the part of a foreigner - refusal occurs when:
 - he/she does not meet the eligibility requirements and other conditions in the case of intending to entrust work in the regulated profession,
 - he/she does not meet the employer's requirements specified in the starost's information on the inability to meet the employer's staffing needs,
 - in connection with the proceedings for issuing a work permit, he/she was punished for the act specified in art. 270-275 of the Act of June 6, 1997 - the Criminal Code
 - the data of the requested person have been included in the list of foreigners whose stay on the territory of the Republic of Poland is undesirable;
 - this is required by the obligations arising from the provisions of ratified international agreements binding for the Republic of Poland.
- optional premises on the employer's side (refusal may or may not apply):
 - from the circumstances it appears that an application for a work permit has been made for convenience, or;

¹ see footnote number 1.

² also applies to a person acting on behalf of the entity entrusting work.

³ see footnote number 2.

⁴ see footnote number 4.

⁵ see footnote 5.

- the employer does not fulfil duties related to running a business or entrusting work to other people, in particular:
 - does not have the financial means or income sources necessary to cover the obligations resulting from entrusting work to a foreigner or;
 - does not conduct any business, agricultural or statutory activity justifying the employment of a given foreigner in a given period, including suspension of activity, or being removed from the relevant register or its activity during the liquidation period, or;
 - does not fulfil the obligation to pay social security contributions, for health insurance, for the Labour Fund and the Guaranteed Employee Benefits Fund and for the Bridging Pension Fund or does not fulfil the obligation to pay farmers' social insurance contributions, or;
 - does not report employees or other people covered by compulsory social insurance for social security or does not report farmer's helpers within the meaning of the regulations on farmers' social insurance for farmers' social insurance, or;
 - he/she is in default of paying taxes, except for cases when he/she obtained the legally required exemption, postponement, spread into instalments overdue payments or suspension in full of the implementation of the decision of the competent authority.
- optional premises on the side of a foreigner (refusal may or may not apply):
 - the permit will be used by a foreigner for purposes other than work for a given entity.

9. Withdrawal of the permit

- circumstances or evidence relating to the decision issued have changed;
- the reason for the authorization of seasonal work ceased;
- the employer in the course of the proceedings:
 - filed an application containing false personal data or false information or attached documents containing such data or;
 - he/she testified untruthfully or concealed the truth, or used a counterfeit or reconstructed document as authentic;
 - the employer did not fulfil the obligations referred to in point 4a of the procedure;
 - the employer does not conduct activities justifying the entrustment of work to a foreigner, in particular, he/she does not conduct business, statutory or agricultural, his/her activity is in the liquidation period or during the suspension (a);
 - the circumstances referred to in clause 8 a-e of the procedure (b) occurred.
- If the seasonal work permit is revoked pursuant to point 9a or b of the procedure, the foreigner has the right to compensation from the employer for non-performance of obligations that this entity would have had to perform if the seasonal work permit had not been waived.

10. Permanent residence and seasonal work permit

I. Basics of issuing the permit

- A temporary residence permit is granted to a foreigner if the purpose of his/her stay on the territory of the Republic of Poland is to perform seasonal work with the previous employer or with another employer if the foreigner fulfils the following conditions:
 - entered the territory of the Republic of Poland on the basis of a visa issued for the purpose referred to in art. 60 par. 1 point 5a (visa for the purpose of seasonal work), or as part of the visa-free travel, in connection with the application for a seasonal work permit entered into the application file kept by the starost;

- has a seasonal work permit or an extension of a seasonal work permit, valid for a period exceeding the period of stay specified in the visa or a period of stay under the visa-free regime (valid: Seasonal work is usually based on visa or non-visa traffic, the permit is complementary);
 - has a source of stable and regular income sufficient to cover the cost of living (PLN 701 for an individual and PLN 529 for each member of the family, no less than the minimum wage);
 - has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland;
 - accommodation is provided on the territory of the Republic of Poland.
- Temporary residence and seasonal work permits are granted for the period of the permit held by the foreigner for seasonal work or for the extension of the seasonal work permit, not exceeding 9 months from the day of the first entry in the given calendar year.
 - important: Permanent residence and seasonal work permits may also be granted if the circumstances of applying for this permit do not justify the stay of a foreigner on the territory of the Republic of Poland for a period longer than 3 months.

II. Refusal of authorization

- He/she does not meet the requirements of granting him/her this authorization;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for purposes of refusal of entry, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use or was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to a treatment obligation, he/she does not consent to this treatment, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally.
- the granting of a temporary residence permit may be refused (optional condition), if the obligation referred to in art. 113 of the Act on foreigners (notification of the province governor about the reasons for staying within 15 working days), if the application for granting a further temporary residence permit has been submitted by the foreigner within one year of the expiry of the preceding authorization or from the day on which the decision on withdrawal of a temporary residence permit has become final.

III. Withdrawal of the permit

- the purpose of the stay for which the permit was granted ceased to exist,
- the foreigner no longer meets the requirements of granting him/her this permit
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;

- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to the treatment obligation, he/she does not consent to this treatment,

11. Required documents

- completed application for a temporary residence permit,
- completed Appendix 1 to the temporary residence application,
- confirmation of payment of stamp duty from the application,
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer,
- confirmation of having means of subsistence (this may be in the form of a concluded employment contract or civil law agreement, or through a printout from the account, proving regular cash inflows to the account),
- confirmation of having a place of accommodation (a certificate from the employer together with an accommodation contract that meets the conditions of the seasonal work permit or another form of contract, if the foreigner fulfils the condition of accommodation on their own), an employment contract concluded with the employer, or a civil law contract concluded with the
- employer, or a declaration of the employer about the intention to work with a specific start date when it has not yet taken place,
- information from the starost about the inability to meet the needs of the employer on the local labour market, unless the foreigner is relieved from presenting such information,
- permission for seasonal work,
- photocopy of all pages of the foreigner's passport and 4 passport photos,
- other documents, if the authority requests them - in particular work certificates of the same employer from previous years, other forms of employment confirmation, PIT forms for previous years, etc.)

12. Form of settling a case

- administrative decision, normally issued within 60 days
- forms:
 - refusal to initiate, leaving the application without consideration - form of challenge: request for restoring the deadline, complaint against the body's inactivity (7 days from finding the deficiencies) + completing the missing formalities
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee - for issuing a temporary residence permit stamp duty is PLN 170 + fee for the permit see Appendix No. 3 to the procedure contained in subchapter I.

13. Duties related to losing the basis of residence

- cessation of meeting the conditions or the expiration of the permit - departure from Poland on the last day of legal stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. the entity entrusting work registers the application for a seasonal work permit to the starost;
2. the starost registers for villages and issues a certificate - one copy is issued to the foreigner;
3. the foreigner obtains a visa for seasonal work or enters Poland on the basis of visa-free travel;
4. the foreigner provides a copy of the travel document and data on the accommodation of the employer, who registers them with the starost, obtaining a seasonal work permit - ordinary or long-term;
5. a foreigner obtains a permit for temporary residence and seasonal work, if he/she applies for such residence, he/she can also work on a visa or visa waiver.

SUB-III. PROCEDURE FOR WORKING IN POLAND BASED ON A DECLARATION OF THE EMPLOYER

1. Entities covered by a seasonal work permit based on a declaration

- Foreigners who are citizens of:
 - The Republic of Armenia;
 - The Republic of Belarus;
 - The Republic of Georgia;
 - The Republic of Moldova;
 - Russian Federation;
 - Ukraine
- working in the fields of activity of CACs not covered by a seasonal work permit, and therefore not included in the regulations issued on the basis of art. 90 sec. 9, unified text the Regulation of the Minister of Family, Labour and Social Policy regarding the sub-classes of activities according to the Polish Classification of Activities (PKD), by which the permits for seasonal work of a foreigner are issued (Journal of Laws of 2017 item 2348)
 - see Appendix 1 to the procedure mentioned in Subchapter I;

for a period not longer than 6 months in the next 12 months, regardless of the number of entities entrusting work.

2. Conditions for entering a statement in the register

- the amount of remuneration, which will be specified in the contract with the foreigner, will not be lower than the remuneration of employees performing at the same time work of a comparable type or a comparable position and not lower than the minimum wage for full-time employment ;
- the foreigner has specific qualifications or permits, if the occupation to be performed is of a regulated nature or the provisions require specific permits
- the foreigner stays in Poland on a legal basis of residence – e.g. temporary residence, stay in visa-free travel in the admissible period, work visa based on a statement (Article 60 point 5 of the Act on foreigners)

3. The procedure for issuing permits

- competent authority: Poviats Labour Office competent for the registered office of the entity entrusting work.
- requesting authority: employer - an application on a special form, containing detailed information about the employer, the type of job offered, the foreigner and possibly job brokers.
- the procedure for entering the application into the record of statements:
 - the statement is entered in the register if the foreigner is a citizen of a country entitled to work based on the statement, the work is not a job for which a seasonal work permit is issued, and the period indicated in the application for entry and total periods of previously registered declarations exceed 6 months in a given calendar year;
 - The Poviats Labour Office, when entering the statement on entrusting work to a foreigner to the record of declarations, may specify a later date of commencement of work than specified in the statement, not earlier than the day following the day the declaration is entered in the records of statements;
 - In matters that do not require an investigation, the poviats labour office enters a statement on entrusting work to a foreigner in the record of statements, or the starost refuses by entering a statement in the record of declarations not later than within 7 working days from the date of receipt of the statement;

- in matters requiring explanatory proceedings, the poviats employment office enters a declaration on entrusting work to a foreigner in the record of statements or the starost refuses by entering a declaration in the records of declarations - no later than within 30 days from the receipt of the statement;
- a declaration confirming the entry in the records of declaration of intent to entrust the foreigner with work.
- a declaration of intention to entrust work to a foreigner is issued to a specific foreigner.
- Contents of the statement (a): in the statement about entrusting work to a foreigner who is subject to entering declarations in the register, the employer publishes:
 - information about the applicant: name or first name(s) and surname, permanent residence address or address, telephone number and fax number, NIP and REGON identification numbers in the case of an entity conducting business activity, or PESEL number - in the case of a physical person, number of the entry in the register of entities running employment agencies - in the case of an employer who runs an employment agency providing temporary work services, the NACE symbol and a description of the foreigner's work performed, a statement made under criminal liability, or the circumstances of which referred to in art. 88z par. 5 points 1-6 of the Act on Promotion of Employment and Labour Market Institutions (see point 7 of the procedure - obligatory conditions) (the declarant is obliged to include in it the following clause: "I am aware of criminal liability for making a false statement."; this clause replaces the authority with criminal responsibility for making false statements), a declaration of familiarization with the provisions regarding the rules of entrusting work to foreigners;
 - information on the foreigner: name(s) and surname, gender, date of birth, citizenship, name, series, number, date of issue and expiry date of the travel document, visa or residence card number and period of validity of the document if it is for the territory of the Republic of Poland, data on the legal basis for a stay on the territory of the Republic of Poland and the expected manner of using the statement entered in the record of statements;
 - data on work offered to a foreigner: name of the profession, subclass of activity according to the PKD classification, in which he/she entrusts work to a foreigner, position or type of work, place of work, period or periods of work marked with dates, type of contract underlying the work, the lowest - payment which can be received by a foreigner, defined by the hourly or monthly rate, the working time or the number of working hours per week or month;
 - data regarding the user's employer, if the statement concerns the work of a foreigner as a temporary employee: name or first name(s) and surname, permanent residence address or registered office.
- the period of work recorded in the statement may not be longer than 6 months in a calendar year and may not exceed 6 months together with previously registered declarations in a given calendar year - the employer or foreigner is obliged to check these circumstances.

4. Duties and information obligations of the entity entrusting work and the foreigner

- concluding a written agreement with a foreigner and before signing, presenting the foreigner signing the contract with his/her own translation in a language comprehensible to the foreigner;
- forwarding one copy of a registered statement to the foreigner who is subject to the assignment of a job;
- an employer whose declaration of entrusting work to a foreigner has been entered in the record of statements, informs the relevant poviats employment office in writing of:

- taking up work by the foreigner at the latest on the day of commencement of work;
 - failure to work by the foreigner within 7 days from the date of commencement of work specified in the records of statements.
- If the employer fails to comply with the information obligation referred to above, it is recognized for the purpose of determining the period of work performed by a foreigner on the basis of a declaration of entrusting work to a foreigner entered in the record of declarations that the foreigner performed the work from the day specified in a statement, unless circumstances indicate that the foreigner started working on the basis of the statement at a later date (this is important for counting the permissible period of work based on the employer's statement).
 - It is presumed that the foreigner who is subject to a declaration on entrusting a foreigner with work, that unless circumstances indicate that the foreigner has finished working on the basis of a statement on another date (validity: in the record of declarations, completed the work on the day specified in the statement, this is important for counting the permissible period of work based on the employer's statement).
 - the employer, on the basis of a statement on entrusting work to a foreigner entered in the register of declarations termination of the work or the foreigner performing work on the basis of such a statement, may notify the competent poviats labour office about the termination of this work (important: it is important for counting the permissible period of work based on the employer's statement).

5. Transition from work based on a work statement based on authorization

- If the employer who employed the foreigner for a period of not less than 3 months in connection with the declaration of entrusting work to a foreigner entered in the register of declarations, submitted before the expiry of the work specified in the declaration an application for a work permit for that foreigner on the same position based on the employment contract, and the application does not contain formal defects or formal deficiencies and has been completed on time, the foreigner's work on conditions not worse than specified in the statement is considered legal from the expiry of this statement until the date of the work permit or delivery of the decision in this case - see procedures: temporary residence and seasonal work, temporary residence and work.
- The above rule shall apply accordingly in the case of a foreigner's application for a temporary residence permit and work in order to continue employment with a given employer.

6. Conditions for changing the permit

- The entry of a new statement on entrusting work to a foreigner in the register of statements is not required if:
 - there has been a change in the registered office or permanent residence, name or legal form of the employer or the transfer of the workplace or part thereof by another employer;
 - there was a transition of the workplace or part thereof to another employer;
 - the employer and the foreigner have entered into a contract of employment instead of a civil law contract;
 - the foreigner is a temporary employee, directed by the employer to a different employer of the user than specified in the statement, if the data concerning the work offered to the foreigner specified in the statement with the exception of the place of work have not changed.
- in other cases, if the data specified in point 3a of the procedure are changed, a new statement must be registered.

7. Refusal to enter a statement in the register

- obligatory conditions - the starost issues a decision of refusal to enter a statement on entrusting work to the foreigner in the register of statements if:
 - the employer or natural person who acted on his/her behalf was punished at least two times for committing the offense referred to in art. 120 par. 10 of the Act

- on the promotion of employment and labour market institutions (1) during the 12 months preceding the date of submission of the statement in the poviát labour office;
- the employer or natural person who acted on his/her behalf was legally punished for committing the offense referred to in art. 120 par. 3-5 of the Act on employment promotion and labour market institutions (2);
 - the employer or a natural person who acted on his/her behalf was again validly punished within two years from being found guilty of committing an act referred to in art. 120 par. 1 of the Act on the promotion of employment and labour market institutions, for a similar offense;
 - the employer is a natural person, punished for committing an act under art. 218-221 of the Act of June 6, 1997 - Penal Code³;
 - the employer is a natural person, punished for committing in connection with the proceedings for issuing a work permit, an act under Art. 270-275 of the Act of 6 June 1997 - Penal Code⁴, or is an entity managed or controlled by such a person;
 - the employer is a natural person punished for an act referred to in art. 189a of the Act of 6 June 1997 - Penal Code 5, or a punishment in another country based on the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime or is an entity managed or controlled by such a person;
- optional premises - the starost may issue a decision of refusal to enter a statement on entrusting work to a foreigner in the register of statements if:
 - from the circumstances it appears that the statement was made for convenience,
 - the statement will be used by a foreigner for purposes other than work for a given entity or;
 - the employer does not fulfil duties related to running a business or entrusting work to other people, in particular:
 - does not have the financial means or income sources necessary to cover the obligations resulting from entrusting work to a foreigner or;
 - does not conduct any business, agricultural or statutory activity justifying the employment of a given foreigner in a given period, including suspension of activity, being removed from the relevant register or its activity during the liquidation period, or;
 - does not fulfil the obligation to pay social security contributions, for health insurance, for the Labour Fund and the Guaranteed Employee Benefits Fund and for the Bridging Pension Fund or does not fulfil the obligation to pay farmers' social insurance contributions, or;
 - does not report to employees or other people covered by compulsory social insurance for social security or does not report farmer's helpers within the meaning of the regulations on farmers' social insurance for farmers' social insurance, or;
 - he/she is in default of paying taxes, except for cases when he/she obtained the legally required exemption, postponement, spread into instalments overdue payments or is in full suspension of the implementation of the decision of the competent authority.

¹ Art. 120 of the Act on Promotion of Employment and Labour Market Institutions:
10. Whoever does not fulfil the obligation referred to in art. 88z par. 13, or provides false information about the foreigner's commencement, non-delivery or termination based on the statement on entrusting work to a foreigner, shall be subject to a fine.

² see footnote number 1

³ see footnote number 3.

⁴ see footnote number 4.

⁵ see footnote 5.

8. Required documents

- completed statement on the intention to entrust work.
- confirmation of payment of stamp duty from the application.

9. Form of settling a case

- registration of the statement in the register or administrative decision, normally issued within 7 (30 days
- forms:
 - refusal to initiate, leaving the application without consideration - form of challenge: application for restoring the deadline, complaint against inactivity of the authority (7 days from finding faults) + completing the missing formalities,
 - positive decision - registration of the statement,
 - Negative decision - refusal to register the statement - form of challenge - appeal to the Minister of Labour, Family and Social Policy (14 days).
- payment - see Appendix 3 to the procedure mentioned in subchapter I

10. Duties related to losing the basis of residence

- ceasing to meet the conditions or time of employment indicated in the statement - departure from Poland on the last day of legal stay. If the declaration is not the only basis for the stay, it may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa)
- in the case of a negative decision or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final as a result of dismissal of the appeal - 30 days from the date of delivery of the decision (note: reasoning by analogy to other similar events, because the law did not regulate this issue!).

1

Procedure

1. the entity entrusting work registers the statement in the poviast labour office;
2. the starost registers the declaration and confirms it by issuing 3 copies - one copy is issued to the foreigner;
3. the foreigner obtains a visa to work in connection with a registered declaration of entrusting it or enters Poland based on a visa-free travel;
4. the foreigner enters Poland or stays in Poland after registering the declaration.

Subchapter IV. PROCEDURE FOR OBTAINING RESIDENCE PERMIT AND WORKING IN A PROFESSION REQUIRING HIGH QUALIFICATIONS - A BLUE EU CARD

1. Entities covered by a statutory authorization (temporary residence and work - article 127 and n. Of the Act on foreigners)

Third-country nationals whose purpose of the stay is to work in the territory of the Republic of Poland in a profession requiring high qualifications and who fulfil the following conditions:

- have concluded, for a period of at least one year, a contract of employment, an employment contract 1, a civil law contract under which they may perform work, provide services or remain in a service relationship,
- have formal qualifications and meet other conditions that are required in the case of intentions to perform work in a regulated profession within the meaning of art. 5 point 4 of the Act of 22 December 2015 on the rules for the recognition of professional qualifications acquired in the Member States of the European Union,
- have higher professional qualifications 2,
- have health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- have the consent of the competent authority to occupy a specific position, to pursue a profession or to conduct another activity, if the obligation to obtain it before concluding the contract results from separate regulations;
- the entity entrusting the foreigner with this job is not able to meet the staffing needs on the local labour market - a test of the labour market;
- the gross annual remuneration resulting from the monthly or annual remuneration indicated in the contract is not lower than the equivalent of 150% of the average remuneration in the national economy in the year preceding the conclusion of the contract announced by the President of the Central Statistical Office pursuant to art. 20 point 1 lit. and the Act of 17 December 1998 on old-age and disability pensions from the Social Insurance Fund (Journal of Laws of 2017, item 1383, 1386 and 2120) (currently it is min. PLN 6,781.62).

2. Entities entitled to work in Poland in professions requiring high qualifications (by type of separate residence permits)

- all persons mentioned in point 1 of Sub-chapter I with the exception of:
 - refugees, people with subsidiary protection, unless they give up international protection;
 - people with permanent residence or long-term EU resident stay - have free access to the labour market;
 - persons having a tolerated stay or those enjoying temporary protection on the territory of the Republic of Poland;
 - a refugee in the procedure - a foreigner holding a valid certificate issued on the basis of art. 35 para. 1 of the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland (a certificate issued by the Head of the Office for Foreigners that he/she remains in the procedure for granting international protection for at least six months without being found guilty; still EU, EEA, Swiss Confederation, and their family members have free access to the market;
 - persons delegated to work in Poland as part of an intra-company transfer using long-term or short-term mobility;

¹ self-employment - work carried out at home or outside the employer's seat based on tools, work resources and raw materials provided by the employer. The contract also does not specify the working time

² qualifications obtained as a result of higher education or at least five years of professional experience at a level comparable to the level of qualifications obtained as a result of higher education, necessary to perform the work specified in the contract or offer of employment constituting an offer to conclude a

3. Exemption from obtaining a work permit. Exemption from the labour market test

- I. The EU Blue Card can only be obtained by applying for a temporary residence permit and working in a highly qualified job. Statutory exemptions and those in the secondary legislation for classical work permits do not need apply to work permits granted in connection with working in a highly skilled job.
- II. The rights of foreigners applying for the issue of a Blue EU Card to obtain a work permit without need to submit information to the starost on the basis of the Governor's Regulation - see Appendix 2 to the procedure described in subchapter I.
- III. The rights of foreigners applying for the issue of a Blue EU Card to obtain a work permit without the need to submit information to the starost pursuant to art. 129 of the Act on foreigners:
 - the foreigner, immediately before submitting the application, had a work permit or a permit to stay and work, or a work permit in a highly qualified job with the same entity entrusting him/her to work in the same position, or;
 - the foreigner has already been legally employed on the territory of the Republic of Poland for a period of two years on the basis of a work permit requiring high qualifications, or;
 - the foreigner meets the conditions set out in the regulations issued on the basis of art. 90 sec. 5 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Regulation of the Minister of Labour and Social Policy on the determination of cases in which the work permit of a foreigner is issued irrespective of the specific conditions for issuing work permits for foreigners of 29 January 2009 (Journal of Laws No. 16, item 85), unified text of 30 December 2014 (Journal of Laws of 2015, item 97): the following derogations apply:
 - for a foreigner who is a member of the family of an employee of diplomatic representation, consular office, international organization or their representative office, who works in the Republic of Poland on the basis of international agreements and arrangements;
 - for a foreigner who is entitled under the rules set out in legal acts issued by bodies established under the Agreement establishing an association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal of WE L 217, 29.12.1964, p. 3687; OJ. EU Polish special edition, ch. 11, vol. 11, p. 10);
 - a foreigner authorized to represent a foreign entrepreneur in his/her branch or representative office located on the territory of the Republic of Poland;
 - a foreigner - a sports trainer or sportsman who works for sports clubs and other entities whose statutory activity includes the dissemination of physical culture and sport;
 - a doctor or dentist who is training or pursuing a specialization program, based on the provisions on the specialization of doctors and dentists, or;
 - a foreigner intending to work in the professions specified in Appendix 4 to the procedure described in subchapter I, except for the professions with the code: 2221, 341201, 341202, 341203, 7112, 7114, 7115, 7116, 7121, 7122, 7123, 7124, 7131, 7212, 7222, 833101, 8332, which do not meet the definition of highly qualified professions.
 - the foreigner meets the conditions of exemption from the obligation to have a work permit, specified in separate regulations.
- IV. Labour market test - procedure
 - The starost shall provide information at the request of the entity entrusting the work to a foreigner within:
 - no longer than 14 days from the date of submission of a job offer in the poviast labour office, if the analysis of the unemployed and jobseekers registers does not indicate that there is a possibility to organize recruitment;
 - no longer than 21 days from the day of submission of the job offer in the case of recruitment among the unemployed and jobseekers

4. Procedure for obtaining a work permit in a highly qualified job

I. General assumptions of the procedure

- the permit is issued in a uniform procedure initiated by a foreigner and on his/her application - in this proceeding the employer completes the attachment No. 1, and the foreigner attachment No. 2 to the application for temporary residence and work.
- the labour market test applies in this procedure on general terms to the derogations described in point 3 of the procedure. In the cases provided for in the Act, the starost's information is necessary as to the inability to meet the staffing needs on the local labour market

II. Refusal to initiate proceedings for granting permission for temporary residence and work

- the foreigner has a permanent residence permit or long-term resident's EU residence permit or
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on foreigners (humanitarian entry, due to the interest of the state or international obligations) or;
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- resides on the territory of the Republic of Poland on the basis of consent for tolerated stay or residence permit on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland (cases of international protection), or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- he/she is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on foreigners (30 days deadline to leave the country in the case of decisions of refusal or withdrawal of the authorization)
- he/she resides outside the borders of the Republic of Poland.
- when applying for a permit or within the time limit referred to in art. 106 para. 5 of the Act on foreigners (7 days after calling by the voivode) did not submit fingerprints in order to be issued a residence card.
- is applying for the permit referred to in art. 151 of the foreigners Act, or has such a permit (temporary residence in connection with conducting scientific research), or;
- is an employee of an enterprise running a business in another Member State of the European Union and is temporarily seconded by an employer to provide services on the territory of the Republic of Poland, or
- stays on the territory of the Republic of Poland on the basis of obligations set out in an international agreement on facilitating the entry and temporary stay of certain categories of natural persons dealing in trade or investment, or
- has a permit referred to in art. 186 para. 1 point 3 lit. a (foreigners holding a EU resident permit or CE permit issued by another Member State who came to Poland for work, gainful employment),
- stays on the territory of the Republic of Poland in order to perform the work referred to in art. 88 par. 2 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (seasonal work)

III. Conditions for granting authorization

- the foreigner has:
 - concluded for a period of at least one year, a contract of employment, an employment contract, a civil contract on the basis of which he/she performs work, provides services or remains in a business relationship,
 - formal qualifications and fulfils other conditions that are required if he/she intends to perform work in a regulated profession within the meaning of art. 5 point 4 of the Act of 22 December 2015 on the rules for the recognition of professional qualifications acquired in the Member States of the European Union,
 - higher professional qualifications,
 - health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
 - the consent of the competent authority to occupy a specific position, to pursue a profession or to conduct another activity, if the obligation to obtain consent before concluding the contract results from separate provisions;
- The employer is not able to meet the staffing needs on the local labour market - a test of the labour market; unless the foreigner or occupation he/she is subject to exemptions from the labour market test - see the exceptions described above - points 3.II and III of the procedure (b)
- the gross annual remuneration resulting from the monthly or annual remuneration indicated in the contract is not lower than the equivalent of 150% of the average remuneration in the national economy in the year preceding the conclusion of the contract announced by the President of the Central Statistical Office pursuant to art. 20 point 1 lit. and the Act of 17 December 1998 on old-age and disability pensions from the Social Insurance Fund (Journal of Laws of 2017, item 1383, 1386 and 2120) (currently it is min. PLN 6,781.62). (c)

IV. Refusal of authorization

- the foreigner does not meet the requirements of granting him/her this permission;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry (in exceptional cases, permission can be granted taking into account the interests of the Schengen State that entered the alert), or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such false data or information to it, or
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- subject to a treatment obligation, he/she does not consent to this treatment, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays on this territory illegally, or;
- the entity entrusting the performance of the work or the entity managing it or controlling it:
 - has been legally punished for the offense referred to in art. 120 par. 11 of the Act on the Promotion of Employment and Labour Market Institutions, and within 2 years of being punished, he/she was again punished for a similar offense or;

¹ See footnote number 1

- was legally penalized for offenses referred to in art. 120 par. 3-519 of the Act on employment promotion and labour market institutions.
- the granting of a temporary residence permit may be refused (optional condition), in the event of non-performance of the obligation referred to in art. 113 of the Act on foreigners (notifying the voivode about the reasons justifying a stay within 15 working days), if the foreigner applied for a new permit for temporary stay within 1 year of the expiry of the preceding authorization or from the date on which the decision to withdraw the temporary residence permit has become final.

V. Form and content of the decision

- the content of the decision (a): period of validity of the permit, employer's name, position at which the foreigner is to work; the minimum wage that the foreigner is to receive in a given position; minimum working time; type of contract under which the foreigner is expected to work.

VI. Permission period

- equal to the specified period of employment in the highly qualified profession, extended by 3 months
- in the range of 3 months - 3 years

VII. Changes to the decision and permission

- Permission to work in a profession requiring high qualifications may be changed at any time, at the request of a foreigner, by the voivode competent for the place where the foreigner's current residence is, if the foreigner intends to:
 - commence work with a different entity than the one specified in the permit,
 - intends to change position or;
 - will receive a lower remuneration than specified in the permit.
- during the first two years of the foreigner's stay on the territory of the Republic of Poland on the basis of a work permit requiring high qualifications (a):
 - the foreigner may not start work with a different entity than the one specified in the permit,
 - the foreigner cannot change the position on which he/she is employed,
 - the foreigner cannot be paid lower than those specified in the permit without changing the permit.
- a change of a work permit requiring high qualifications is not required if the employer's name or legal form is changed, or if the company or its part is taken over by another entity.
- Refusal to change a work permit in a highly qualified job:
 - period in which the foreigner is unemployed:
 - exceeds 3 months counted from the date of losing a job until the day the foreigner submits the application for changing the permit due to the change of the entity entrusting him with the performance of work or;
 - occurred more than 2 times during the validity period of the permit, or;
 - the foreigner did not notify the voivode about the loss of work within 15 business days, or;
 - the foreigner no longer meets the conditions referred to in point 4.III a of the procedure, or;
 - the entity that will entrust work to a foreigner does not meet the conditions referred to in point 4.III b and c of the procedure
 - the period of validity of the amended permit will exceed 3 years.

VIII. Information duties

- A foreigner staying on the territory of the Republic of Poland on the basis of a work permit requiring high qualifications shall within 15 working days notify in writing about losing his/her job to the voivode who granted the permit or who ruled on the permit,
- If during the first two years of the foreigner's stay on the territory of the Republic of Poland, the work conditions referred to in art. 137 point 4 of the Act on foreigners change (minimum working hours and the type of contract), the foreigner notifies of the change to the competent voivode within 15 working days (change does not require changing the permit),
- If after 2 years of the foreigner's stay on the territory of the Republic of Poland on the basis of a work permit in the profession requiring high qualifications, the following occurred:
 - change of position,
 - lower remuneration, or;
 - change in the minimum working time and type of contract (both at once),

on the basis of which the foreigner performs the work, the foreigner notifies the competent Voivode within 15 working days (the change does not require changing the permit).

IX. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit has ceased to exist (a), or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit because of the declared purpose of stay (b), or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has submitted an application containing false personal data or false information or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments overdue payments or suspension in full of the decision of the competent authority, or;
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
 - subject to the obligation of treatment, he/she does not consent to this treatment
- does not comply with the restrictions on access to the labour market referred to in point 4.VII and procedures, or;
- the withdrawal conditions referred to in point 4.IX a and b of the procedure shall not apply if the following conditions are met:
 - the period of being a foreigner without a job did not exceed 3 months during the period of validity of a work permit requiring high qualifications,
 - the period of staying without a job by the foreigner occurred no more than twice in the period of validity of the permit;

- the foreigner demonstrates that he/she has fulfilled the obligation to notify the voivode within 15 working days about losing his/her job or that the notification was not delivered to the voivode for reasons beyond the control of the foreigner

5. Required documents

- completed application for a temporary residence permit;
- completed Appendix 1 and 2 to the application for temporary residence;
- confirmation of payment of stamp duty from the application;
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer;
- an agreement concluded with the employer for the minimum period required with terms and conditions of remuneration that meet statutory requirements;
- confirmation of having a place of residence (a rental agreement or other form of contract proving the possession of the right to the premises in which the foreigner resides);
- documents confirming the possession of high qualifications - diploma of higher education, documents confirming 5 years of professional experience;
- information from the starost about the inability to satisfy the needs of the employer on the local labour market, unless the foreigner is relieved from presenting such information;
- photocopy of all pages of the passport and 4 passport photos.

6. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)

7. Payment – stamp duty for issuing a temporary residence permit, deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland
- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the date of submission of the application to the date of the final decision
- important: if a foreigner, before submitting an application, has a work permit or a work permit requiring high qualifications, he/she may continue working after submission of the application, if he/she did not have a previous work permit - he/she may take it only after the decision.

8. Duties related to losing the basis of residence

- cessation of meeting the conditions or the expiration of the permit - departure from Poland on the last day of legal stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa)

- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision

Procedure

1. Submission of an application for a temporary residence and work permit
 - a) filling in the application, payment of fees and attaching the required documents
 - b) completion by the authorized representative of the employer of attachment No. 1 and the completion by the foreigner of attachment No. 2 to the application
 - c) attaching information from the starost on the inability to meet needs on the local labour market, unless the foreigner is released from the obligation
 - d) submission of fingerprints at the office
2. decision by the office
3. getting a residence card

SUBPART V. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT AND WORKING AS A MANAGERIAL TEACHER WITH NO LIABILITIES IN THE EMPLOYING COMPANY

1. Entities covered by a statutory authorization (temporary residence and work - Article 126 of the Act on foreigners)

Citizens of third countries whose purpose of stay is to work in the territory of the Republic of Poland, as:

- members of the management boards of companies or legal persons registered in the register whose shares or stocks the foreigner does not possess.
- proxies of companies or legal persons entered in the register whose shares or stocks the foreigner does not own.

2. Entities entitled to work in Poland and perform functions in the management boards of entities entered in the register (by type of separate residence permits)

- all persons indicated in point 1 of Sub-chapter 1, except:
 - managers holding shares in commercial law companies that they manage, or in which they act as a proxy;
 - posted within the enterprise - the foreigner has a temporary residence permit in connection with the intra-corporate transfer (Article 139a (1) of the Act on foreigners) - type of permit: consent issued at the request of the receiving unit with ICT registration
 - persons holding a visa referred to in art. 60 point 23 of the Act on foreigners (visa issued for humanitarian reasons, due to Poland's interest or international obligations), or a stay referred to in art. 181 of the Act on Foreigners (short-term stay)

3. Exemption from obtaining a work permit for managerial staff without shares

- I. Analogous to Section 2.I of Subchapter I, with the exception of the work paragraph based on the employer's statement,
- II. The following foreigners are dismissed from the obligation to have a work permit according to the Regulation of the Minister of Labour and Social Policy, in cases where it is permissible to entrust work to a foreigner on the territory of the Republic of Poland without the need to obtain a work permit dated 21 April 2015 (Journal of Laws of 2015, item 588):
 - clerics - who are clerics, members of religious orders or other persons who perform work in connection with their religious function, in churches and religious associations and national inter-church organizations, whose status is regulated by an international agreement, regulations on the relationship of the State to church or other religious association or that act on the basis of an entry in the register of churches and other religious associations, their legal persons or organizational units, and who perform work as a religious performer in other entities, by referral by the competent organ of the church or other religious association or his/her legal person;
 - students - students of full-time studies in the Republic of Poland or participants of full-time PhD studies in the Republic of Poland (regardless of whether they have or do not have the license referred to in Article 144 of the Act on foreigners);
 - graduates - graduates of Polish upper secondary schools, full-time higher studies or full-time doctoral studies at Polish universities, at scientific institutes of the Polish Academy of Sciences or research institutes operating on the basis of regulations on research institutes (graduate status is sufficient);

- Turks – Turkish citizens are entitled under the rules set out in legal acts issued by bodies set up under the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on September 12, 1963 (Journal of Laws WE L 217, 29.12.1964, p. 3685; Journal of Office. EU Polish special edition, ch. 11, vol. 11, p. 10).

III. Powers of certain foreigners to obtain derogations from the requirements of a work permit in the normal course pursuant to the Regulation of the Minister of Labour and Social Policy on the determination of cases in which the work permit is issued regardless of the specific conditions for issuing work permits for foreigners from January 29, 2009 r. (Journal of Laws No. 16, item 85), unified text of December 30, 2014 (Journal of Laws from 2015, item 97)

The voivode issues a work permit without the need to obtain information from the starost (labour market test), in the case of:

- a foreigner authorized to represent a foreign entrepreneur in his/her branch or representative office located on the territory of the Republic of Poland;

The voivode issues a work permit without taking into account the conditions referred to in art. 88c para. 1-5 and 7 of the Act (general conditions for issuing a work permit) for a foreigner:

- authorized on the terms specified in legal acts issued by bodies set up under the Agreement establishing an association between the European Economic Community and Turkey, signed at Ankara on September 12, 1963 (Journal of Laws WE L 217, 29.12.1964, p. 3687; Journal of Laws. EU Polish special edition, ch. 11, vol. 11, p. 10).

IV. Time limitations when issuing work permits by the Voivode of the Malopolska Region

A work permit may be issued for a period shorter than that indicated in the application for a work permit, if the application:

- is submitted by an entity conducting business activity, if the period of more than one year has not elapsed since the commencement of its operation until the day of submission of the application for a work permit;
- is submitted by an employer who is seeking a permit for a foreigner whom he/she intends to entrust to perform work on the basis of a civil law contract;
- concerns a foreigner holding a position on the board of an entity which, as at the date of submission of the application, does not meet the requirements set out in art. 88c paragraph 4 point 1 of the Act on employment promotion and labour market institutions (obligation to generate income not lower than 12 times the current average monthly remuneration in the voivodeship on the day of submission of the application, announced by the President of the Central Statistical office pursuant to Article 30 para. 2 of the Act of 26 October 1995 on certain forms of supporting housing construction, and employs for an indefinite and full-time period of at least one year preceding the submission of the application of at least two employees who are not subject to the obligation to obtain a work permit) , but he/she will demonstrate the possession of resources, or the implementation of measures to meet these conditions in the future, in particular by conducting activities contributing to investment growth, technology transfer, introduction of beneficial innovations or creation of jobs.

The period for which the permit is issued in the cases specified above is a maximum of 12 months.

These restrictions do not apply when the application relates to:

- a foreigner who performs a function on the board of a legal person referred to in art. 88e paragraph 2 of the Act (employs more than 25 people as at the day of submission of the application);
- a foreigner referred to in art. 88c para. 8 points 1 and 2 of the Act (in the period of 3 years preceding the submission of an application for a work permit, he/she graduated from a university located in the territory of the Republic of Poland or another country of the European Economic Area or the Swiss Confederation or participates in doctoral studies completed in the Republic of Poland or through the 3 years preceding the application for a work permit, were legally resident in the territory of the Republic of Poland and the stay was uninterrupted within the meaning of Article 195 (4) of the Act on foreigners)

4. Procedure for obtaining a work permit for managerial staff in standard mode

I. General conditions for obtaining a work permit - categories of employers

A foreigner who does not fall into the categories of persons who are exempt from having a work permit must own one whenever:

- in connection with the management of a legal person entered into the Register of Entrepreneurs or being a capital company in an organization or in connection with running a business of a limited partnership or limited joint-stock partnership as a general partner or in connection with granting him/her power of attorney on the territory of the Republic of Poland for exceeding a total of 6 months over the next 12 months;
- performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in a calendar year to a branch or establishment of a foreign entity or an entity related to a foreign employer;
- performs work with a foreign employer who does not have a branch, establishment or other form of organized activity in the territory of the Republic of Poland and is delegated to the territory of the Republic of Poland to provide temporary and occasional services (export service);
- performs work with a foreign employer and is delegated to the territory of the Republic of Poland for a period exceeding 30 days in the next 6 months for a purpose other than the one indicated above.

II. Conditions for issuing a work permit

- see point 3.II of Subchapter I.

III. Period of authorization

- see item 3.III of Subchapter I.

IV. Contents of the permit and cases where a change is required

- see point 3.IV of Subchapter I.

V. Expiration and validity of a work permit or a work permit

- see section 3.V of Subchapter I.

VI. Obligations of the employer from whom the permit is required

- see section 3.VI of Subchapter I

VII. Refusal to grant a work permit

- see section 3.VII of Subchapter I.

VIII. The grounds for revocation of a work permit

- see section 3.VIII of Subchapter I.

IX. Expiration of a work permit

- see section 3.IX of Subchapter I

X. Form of settling a case

- see section 3.X of Subchapter I
- the fee - see Appendix 3 to the procedure described in Subchapter I

5. Procedure for obtaining permission to work in the course of proceedings for a temporary residence permit and work for managerial staff without shares - art. 126 of the Act on Foreigners

I. General assumptions of the procedure

- the permit is issued in a uniform procedure initiated by a foreigner and on his/her application - in this proceeding the employer fills in Appendix 1 to the application for temporary residence and work.
- the labour market test does not apply to proceedings conducted in this mode

II. Refusal to initiate proceedings for granting permission for temporary residence and work

- the foreigner has a permanent residence permit or long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on foreigners (humanitarian entry, due to the interest of the state or international obligations) or
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- resides on the territory of the Republic of Poland on the basis of consent for tolerated stay or residence permit on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland (cases of international protection), or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on foreigners (30 days deadline to leave the country in the case of decisions of refusal of or withdrawal of the authorization)
- he/she resides outside the borders of the Republic of Poland.
- did not submit fingerprints in order to issue a residence card when applying for a permit or within the time limit referred to in art. 106 para. 5 of the Act on foreigners (7 days after calling by the voivode).

III. Conditions for the granting of authorization

- the foreigner has:
 - health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
 - a source of stable and regular income sufficient to cover the costs of living for themselves and their dependent family members; higher than the amount of the income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance (Journal of Laws of 2017, item 1769 and 1985), with reference to the foreigner and each member of the family dependent on him/her (PLN 701 and PLN 529 respectively)
 - has a place of residence on the territory of the Republic of Poland;
 - is qualified or authorized to perform a specific activity whenever the regulations require additional entitlements;
- is an entity entrusting the performance of work in the tax year preceding the submission of an application for granting a temporary residence permit to perform the function in the board of the person

in the national economy in the voivodeship in which the entity has a registered office or place of residence, in the year preceding the submission of the application, announced by the President of the Central Statistical office on the basis of art. 30 para. 2 of the Act of 26 October 1995 on certain forms of supporting housing (currently PLN 56 189.40), or employing indefinitely and full-time employees for at least 2 years prior to submission of an application for at least 2 employees who are Polish citizens or foreigners referred to in art. 87 par. 1 point 1-9 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (refugee status, subsidiary protection, permanent residence, residence of an EU resident, stay for humanitarian reasons, consent for tolerated stay, temporary protection, with the provision of being in the international protection procedure for > 6 months, an EU citizen, an EEA citizen, a citizen of another country benefiting from the free movement of persons - does not apply to family members of these citizens) or demonstrates that he/she has the resources to meet these future conditions or conduct activities to meet these conditions in the future, in particular contributing to investment growth, technology transfer, introduction of beneficial innovations or creation of jobs

IV. Refusal of authorization

- the foreigner does not meet the requirements of granting him/her this permission;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- the foreigner's data can be found in the Schengen Information System for the purposes of refusal of entry (in exceptional cases, he/she can be granted permission taking into account the interests of the Schengen State that entered the alert), or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or by suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to a treatment obligation, he/she does not consent to this treatment, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally, or;
- the entity entrusting the performance of the work or the entity managing it or controlling it: has been legally punished for the offense referred to in art. 120 par. 1 of the Act on the Promotion
 - of Employment and Labour Market Institutions, and within 2 years of being punished, he/she was again punished for a similar offence or;
 - was legally penalized for offences referred to in art. 120 par. 3-5 of the Act on the promotion of employment and labour market institutions¹, or;
 - is a natural person convicted by a valid judgement for an offence referred to in art. 218-221 of the Penal Code, 2, or;

¹ See footnote number 1.

² See footnote number 3.

- is a natural person convicted by a valid judgement for an offence referred to in art. 270-275 of the Penal Code, committed in connection with the proceedings on the issue of a work permit 1, or;
- is a natural person convicted by a valid judgement for an offence referred to in art. 9 or art. 10 of the Act of June 15, 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland 2, or;
- has been legally punished for the offence referred to in art. 11 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland;
- foreigner:
 - he or she does not have formal qualifications or does not meet other conditions that are required if he/she intends to entrust to him or her work in a regulated profession within the meaning of art. 5 point 4 of the Act of 22 December 2015 on the rules for the recognition of professional qualifications acquired in the Member States of the European Union (Journal of Laws of 2016, item 65), or;
 - he/she was convicted by a valid sentence for an offence referred to in art. 270-275 of the Penal Code, committed in connection with the proceedings regarding the issue of a work permit or granting him or her a temporary residence and work permit, or;
 - has a valid ban on performing its functions, due to the fact that a criminal measure was imposed on him or her in the form of a ban on performing functions in the governing bodies of companies or legal persons.
- Granting a temporary residence permit and work for managerial staff may be refused (optional condition) if the entity entrusting the work to a foreigner does not have the financial means or income necessary to cover the obligations arising from entrusting the work to a foreigner or does not conduct a real economic, agricultural or statutory justifying the entrusting of work to a foreigner in a given period, in particular, suspended the activity or was removed from the relevant register or its activity is in the liquidation period.

V. Form and content of the decision

- Contents of the decision (a): period of validity of the permit, designation of the employer; the position on which the foreigner is to work;

VI. The period of authorization

- necessary to achieve the purpose of the stay, not shorter than the period of the issued work permit
- within 3 months - 3 years with limitations resulting from the Governor's Regulation (see point 3.IV of the procedure)

¹ See footnote number 4.

² Act of June 15, 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland:

Article 9

1. Whoever entrusts, at the same time, the performance of work to many foreigners staying without a valid document authorizing them to stay on the territory of the Republic of Poland, is subject to a fine or imprisonment.

2. The same penalty applies to whoever entrusts work to a minor foreigner staying without a valid document authorizing him/her to stay on the territory of the Republic of Poland.

3. The penalty specified in para. 1 is subject to whoever in connection with his/her business activity persistently entrusts the performance of work to a foreigner staying without a valid document entitling him/her to stay on the territory of the Republic of Poland.

Article 10

1. Whoever entrusts work to a foreigner staying without a valid document entitling him/her to stay in the territory of the Republic of Poland in conditions of special use, shall be punished by imprisonment of up to 3 years.

2. The same penalty is imposed on whoever entrusts work to a foreigner staying without a valid document entitling him/her to stay on the territory of the Republic of Poland who is a victim of an offense specified in art. 189a § 1 of the Act of 6 June 1997 - the Penal Code.

3. By the conditions of special use referred to in paragraph 1, means the working conditions of the person or persons entrusted with the performance of work in violation of the law, denying human dignity and grossly dissimilar, in particular on grounds of sex, in comparison with the working conditions of persons entrusted with performing work in accordance with the law, affecting especially for the health or safety of people who work.

Article 11

1. Whoever repeatedly entrusts work to a foreigner staying without a valid document entitling him/her to reside on the territory of the Republic of Poland, if this work is not related to the economic activity carried out by the person entrusting the work, is subject to a fine of up to PLN 10,000.

2. Incitement and aiding for the act referred to in paragraph 1, are punishable.

VII. Information duties

- A foreigner who has been granted a temporary residence permit notifies the voivode who granted the permit within 15 working days of the cessation of the reason for granting the permit, under the refusal to grant another temporary residence permit, if the application for its granting was filed before expiration of one year from the expiry of the period of validity of the preceding permit or from the date on which the decision on withdrawal of the temporary residence permit became final.
- A foreigner staying on the territory of the Republic of Poland on the basis of a temporary residence permit and work as a member of the Management Board of a legal person or a proxy shall notify in writing the voivode who granted the permit, within 15 working days, about losing his/her job or dismissing a job, dismissing the procurator of the entity entrusting the execution the work mentioned in the permit (a).

VIII. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
 - subject to the obligation of treatment, he/she does not consent to this treatment
- the granting of a temporary residence permit may be refused (optional condition), if the obligation referred to in art. 113 of the Act on Foreigners (notification of the province governor about the reasons for staying within 15 working days - see section 5.VII.a of the procedure), if the application for granting a subsequent permit for temporary residence has been submitted within 1 year from the expiration of the period preceding the permit or from the date on which the decision to withdraw a temporary residence permit has become final.

6. Required documents

- completed application for a temporary residence permit;
- completed Appendix 1 to the application for temporary residence;
- confirmation of payment of stamp duty from the application;
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer;
- confirmation of having means of subsistence (it may be in the form of a concluded employment contract or civil law agreement, or an act of appointment for a function, or through a printout from an account, proving regular cash inflows to an account)
- confirmation of having a place of residence (a rental agreement or other form of contract proving the possession of the right to the premises in which the foreigner resides);

- a contract of employment concluded with an employer, or a civil law contract concluded with an employer, or a supporting act on the function, confirmation of the granting of the power of attorney;
- an excerpt from the register for a legal person who entrusts work;
- documents confirming the income criterion for a legal person or employment criterion, or documents related to investments - a CIT form, other tax returns, financial statements of a legal person, extracts from bank accounts of a legal entity.
- photocopy of all pages of the passport and 4 passport photos.

7. Form of handling a case

- administrative decision, normally issued within a minimum of 60 days.
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee - for issuing a temporary residence permit stamp duty is PLN 440

8. Deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland
 - if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the date of submission of the application to the day of issuing the final decision
 - important: if the foreigner has a work permit prior to submission of the application, he/she may continue working after submission of the application, if he/she did not have a work permit before he/she can take it only after the decision has been issued.

9. Duties related to losing the basis of residence

- cessation of meeting the conditions or the expiration of the permit - departure from Poland on the last day of legal stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Issuing a temporary residence permit to persons made redundant from having a work permit.
2. Submission of an application for a temporary residence permit and work in connection with the performance of a function on the board of legal persons or the performance of a proxy:
 - a) filling in the application, payment of fees and attaching the required documents
 - b) filling in by the authorized representative of the employer, Appendix No. 1 to the application
 - c) submission of fingerprints at the office
3. decision by the office
4. getting a residence card

SUBPART VI. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT
AND CONDUCTING ECONOMIC ACTIVITIES IN POLAND, INCLUDING AS A MANAGEMENT BOARD OF
COMPANIES AND WHO POSSESS SHARES

1. Entities covered by a statutory authorization (temporary residence and
business activity (Article 142 of the Act on foreigners)

- Citizens of third countries whose main purpose is to conduct business activity on the territory of the Republic of Poland in the form permitted by law and in the scale required by law.
- Third-country nationals whose purpose is to perform work by holding a function in the management of a limited liability company or a joint stock company that he/she created or whose shares or stocks were acquired, or running a partnership or limited joint-stock partnership by a general partner, or acting as a type of proxy

2. Entities authorized to conduct business in Poland and the form of such activity

- Foreign persons may undertake and perform business activities in the territory of the Republic of Poland on the terms specified in the Act of 6 March 2018 on the rules for the participation of foreign entrepreneurs and other foreign persons in the economic turnover in the territory of the Republic of Poland (Journal of Laws of 2018, item 649).
- Foreign persons who are entrepreneurs may establish branches, representative offices or temporarily offer or provide a service in the Republic of Poland on the terms specified in the above-mentioned Act.
- definition of economic activity - organized gainful activity carried out on a person's own behalf and on an ongoing basis.
- foreign person
 - a natural person without Polish citizenship,
 - a legal person based abroad,
 - an organizational unit that is not a legal entity with legal capacity, with headquarters abroad.
- foreign entrepreneur
 - foreign person doing business abroad and,
 - Polish citizen doing business abroad.
- forms of business
 - personal, individual business activity - subject to disclosure in the Central Register and Economic Information by entering the company in the register (CEIDG) - individual business activity is carried out under the company (business name);
 - a civil partnership - an agreement between two or more individual entrepreneurs running a personal business activity - is subject to disclosure in CEIDG under the name of a civil partnership;
 - partnership or capital partnership: public, partnership, limited partnership, limited joint-stock partnership, limited liability or joint-stock company - are subject to registration by the Court in the National Court Register under the company name;
 - an association, foundation, trade union, health care facility, other entity (e.g. a sports association) running a business - are subject to registration by the Court in the National Court Register under its own name and in a chosen legal form;
 - church or a religious association running a business - is subject to registration by the Minister of Internal Affairs and Administration in the list of churches and religious associations. Registration is an administrative procedure that requires permission to create.
 - branch or plant of a foreign company or a branch of a European company - is subject to registration by the Court in the National Court Register under the name of a branch.

A. Unrestricted activity - in an individual form or in the form of a partnership or capital partnership

- foreign persons from EU Member States;
- citizens of the United States of America;
- family members of US nationals who hold a temporary residence permit (spouses, minor dependent children);
- foreign persons from other third countries who:
 - have in the Republic of Poland:
 - Permanent residence permit,
 - long-term resident's EU residence permit,
 - temporary residence permit granted in connection with the circumstance referred to in art. 144 (students and participants of language courses preparing for studies), art. 159 sec. 1 (residing or coming to Poland in connection with the family link) or art. 186 para. 1 point 3 and 4 of the Act on Foreigners (foreigners with the status of an EU resident in another Member State and who are coming to Poland to do business, study or train or have other legitimate residence goals and members of their families) (a)
 - refugee status,
 - subsidiary protection
 - permission to stay for humanitarian reasons or a tolerated stay permit,
 - a temporary residence permit and remain married to the Polish national of residing on the Polish territory (b)
 - a temporary residence permit in order to pursue an economic activity, is given due to the continuation of business already conducted on the basis of an entry in the Central Register and Information on Economic Activity (i.e. the old permit)
 - a family member within the meaning of art. 159 sec. 3 of the foreigners Act (spouses, underage dependent children of Polish citizens and foreigners authorized to connect with the family - see the procedure - temporary residence in connection with the merger with family - p. 122) holding a temporary residence permit granted in connection with the intended arrival on Polish territory or presence in this territory for the purpose of family reunification, may undertake and conduct business activity in the TA to the same extent as foreigners who are authorized to temporary residence and perform economic activity on the basis of an entry in the business register made on the basis of reciprocity;
 - use in the Republic of Poland for temporary protection,
 - have a valid Polish Card,
 - they are family members within the meaning of art. 2 Section 4 of the Act of 14 July 2006. On entering the territory of the Republic of Polish, stay and departure from the territory of nationals of Member States of the European Union and their family members, who join the citizens of the EU Member States, or staying with them (spouses, direct descendants of an EU citizen or his spouse under the age of 21 years remaining on their dependents, direct ascendant of an EU citizen or his spouse, the remainder of his dependents)
 - they reside on the territory of the Republic of Poland pursuant to art. 108 par. 1 point 2 (submission of a valid application for temporary residence in time) or art. 206 par. 1 point 2 of the Act on foreigners (submission of a valid application for permanent residence) or on the basis of a stamp imprinted in the travel document which confirms submission of an application for long-term resident's EU residence permit, if immediately before submission of the application they were entitled to undertaking and carrying out economic activity pursuant to point 2A.a,ib of the procedure
 - foreign persons - Turkish citizens undertaking business activity pursuant to art. 41 par. 1 of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Turkey and members of their families holding

temporary residence permit (spouses, minor children remaining in their care)

- other foreigners may be entitled to conduct business without restrictions on the principle of reciprocity - reciprocity is determined on the basis of bilateral agreements or agreements concluded. If in doubt, ask the Ministry of Foreign Affairs, which is obliged to provide a binding answer regarding foreigners' right to conduct business in a given form in the territory of the Republic of Poland. Such information should be provided within 30 days of submission of the application.

B. Restricted activities - in the form of a limited partnership, limited joint-stock partnership, limited liability company and joint-stock company, as well as through joining such companies and taking or purchasing their shares or stock

- all foreigners - third-country nationals who do not meet the criteria set out in point 2A.

C. Separate regulations regarding the activities of foreign persons

- Legislator in art. 12 of the Act on the rules for the participation of foreign entrepreneurs and other foreign persons in the course of trade on the territory of the Republic of Poland excluded a number of forms of activity from the provisions of this Act. Therefore, the rules for the participation of foreign persons in the performance of this type of specific activity should be sought in special laws regulating such activities.
- This applies, inter alia, to activities such as:
 - transport of persons and goods as well as road, rail and air traffic (including airport work),
 - activities of notaries, court bailiffs, statutory auditors,
 - journalistic and media activities as well as in the field of cinematography,
 - activities of doctors and dentists as well as public health care, emergency medical services, nursing services and health resorts,
 - the operation of ports and harbours, inland waterways, shipping and the operation of seas and oceans,
 - activities in the field of production of explosives, weapons, ammunition and trading in military and police techniques,
 - pharmaceutical activity,
 - activities of public benefit organizations and organization of volunteering, including business activities of such organizations,
 - social assistance activities,
 - telecommunications activity,
 - the activity of universities and general education,
 - principles of organization of games of chance and gambling,
 - postal activity,
 - activities of financial markets.

D. Additional requirements for starting a business

- foreign entities and persons wishing to perform licensed work or licensed activities must obtain these concessions and licenses in the manner prescribed by law, unless the licenses and foreign licenses are recognized by Poland.
- all professional requirements and certificates entitling to perform a given profession are subject to certification, unless the Polish state is obliged to recognize foreign certificates and requirements (Member States, bilateral agreements). The National Academic Exchange Agency (NAWA) deals with certification and recognition (www.nawa.gov.pl)

3. Conditions for granting temporary residence permit in connection with the conducted business activity

I. General conditions of the permit

The foreigner has:

- health insurance or proof of coverage by the insurer of treatment costs in the territory of the Republic of Poland,
- a source of stable and regular income sufficient to cover the costs of living for themselves and their dependents (minimum PLN 701 for a single person and PLN 529 for other persons remaining in a joint household)
- the consent of the competent body to occupy a specific position or to pursue a profession, where the obligation to obtain it results from separate provisions;
- the place of residence provided on the territory of the Republic of Poland;

Entity that conducts a business (a):

- in the tax year preceding the submission of an application for granting a permit to a foreigner for temporary stay in order to run a business, he/she has earned income not lower than 12 times the average gross monthly remuneration in the national economy in the region in which the entity has its registered office or place of residence, in the year preceding the submission, announced by the President of the Central Statistical Office based on Article. 30 par. 2 of the Act of 26 October 1995 on certain forms of supporting housing construction (currently for the Malopolska Region it is PLN 56,189.40), or employs for an indefinite period and full-time work for at least the period of one year preceding the submission of the application at least 2 employees who are Polish citizens or the following foreigners: those with refugee status or subsidiary protection granted in the Republic of Poland; holding a permanent residence permit or a long-term resident of the European Union in the Republic of Poland; having a residence permit for humanitarian reasons; possessing a permit for tolerated stay in the Republic of Poland; benefiting from temporary protection in the Republic of Poland; holding a valid certificate issued on the basis of art. 35 para. 1 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (over 6 months in the procedure for granting international protection), being citizens of a Member State of the European Union; citizens of the European Economic Area, not belonging to the European Union; being citizens of a country that is not a party to the Agreement on the European Economic Area, who may exercise the freedom of movement of persons on the basis of an agreement concluded by that State with the European Community and its Member States;
- or proves that he/she has the means to meet the future conditions set out above or;
- conducts activities allowing for the future fulfilment of these conditions, in particular contributing to investment growth, technology transfer, introduction of beneficial innovations or creation of jobs.

The requirements set out in paragraph 3a of the procedure also apply to a limited partnership, limited joint-stock partnership, limited liability company or joint-stock company set up by a foreigner or to a company to which the foreigner has joined or whose shares or stocks he/she has acquired.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit:

- has a permanent residence permit or a long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 (humanitarian, or for reasons of public interest), or;

- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him refugee status in the Republic of Poland, or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant temporary, permanent and resident's and other forms of legalization, including withdrawal of consent for humanitarian stay), or;
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him/her or on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him temporary residence permit because of the declared purpose of stay or;
- circumstances which form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, and in particular humanitarian or international obligations and the interests of the state making such entry were taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or it combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread of overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to the obligation of treatment, does not consent to this treatment, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally.
- A foreigner may be refused another temporary residence permit in the event of failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if he/she applied for a subsequent temporary residence permit within 1 year from the end of the period the validity of the preceding authorization or from the date on which the decision to withdraw the temporary residence permit has become final.

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
 - subject to the obligation of treatment, he/she does not consent to this treatment

V. Expiration of the permit

A temporary residence permit expires by law on:

- obtaining a temporary residence permit by the foreigner,
- permanent residence permits, long-term resident's EU residence permits or;
- Polish citizenship

VI. Form and content of the decision

- content of the decision: period of validity of the permit, form of business and company.

VII. The period of authorization

- necessary to achieve the purpose of stay in the range of 3 months - 3 years,
- new entities whose basis for obtaining business consent was to demonstrate in the future compliance with the conditions for conducting business or having investment means to meet these conditions will receive the first permission most probably for 12 months.

VIII. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer,
- confirmation of having means of subsistence (this may be in the form of an employment contract, including a foreign contract or a civil law contract, or through a printout from the account, proving regular cash inflows to the account, PIT-37 for the last year),
- confirmation of having a place of residence (a lease agreement or other form of contract proving the possession of the right to the premises in which the foreigner resides),
- excerpt from the relevant register regarding business activity (CEIDG or KRS),

- financial documents related to business activity: income statement (CIT-8), VAT registration confirmation, documents related to investments, PIT-36 testimonies, lists of persons employed with contracts, contracts with contractors, profit and loss account, balance sheet, financial report and substantive report on the conducted business activity for the previous year, investment and business plans, information about loans taken or held,
- documents related to business licenses: diplomas, certificates, permits,
- photocopy of all pages of the foreigner's passport and 4 passport photos.

IX. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee - for issuing a temporary residence permit stamp duty is PLN 340

X. Deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland,
- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his stay - the stay is legal from the day of submission of the application to the date of the final decision,
- Note: the possibility of running a business is independent of the temporary residence permit associated with granting it. Thus, one can conduct business activity on the principles set out in the act on the rules of participation of foreign entrepreneurs and other foreign persons in the economic turnover on the territory of the Republic of Poland but does not meet the conditions for granting a given permit. He/she always must have a residence permit, for example a visa, a visa-free stay, or a temporary stay based on a different legal basis.

XI. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the sole basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa),
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Registering business in the form permitted by law.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Applying for a temporary stay in connection with running a business.
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
4. The decision is issued by the office
5. Getting a residence card.

4. Conditions for granting temporary residence permits for the management and proxies of companies established by foreigners

I. General conditions of the permit

Temporary residence permits for business purposes are granted to a foreigner whose purpose of stay is to perform a job by holding a function on the board of a limited liability company or a joint-stock company which he created or whose shares or stocks were acquired, or running the affairs of a limited partnership or a limited joint-stock partnership by a general partner, or acting as a proxy, and the foreigner has:

- health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- a source of stable and regular income sufficient to cover the costs of living for themselves and their dependents (minimum PLN 701 for a single person and PLN 529 for other persons remaining in a joint household)
- the consent of the competent authority to occupy a specific position or to pursue a profession, when the obligation to obtain it results from separate provisions;
- the place of residence provided on the territory of the Republic of Poland;

and the company:

- meets the conditions analogous to those specified in 3.I.a

Cases in which the holding of shares in a company is not treated as conducting business activity:

- exercising ownership rights - participation in profits from owned shares,
- exercising the powers of a limited partner in a limited partnership and limited joint-stock partnership. A limited partner is an investor otherwise – he/she contributes a limited partnership to the limited partnership (the sum of the commander to which he/she corresponds). He/she does not have the right to manage the company.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings regarding the granting of a temporary residence permit on the same principles as in point 3.II:

III. Refusal of authorization

- it is due to analogical reasons, to those listed in point 3.III, and moreover:
- a company in which the foreigner is to perform the function or entity managing it or controlling it:
 - has been legally punished for the offense referred to in art. 120 par. 11 of the Act on the Promotion of Employment and Labour Market Institutions, and within 2 years of being punished, he/she was again punished for a similar offence or;
 - was legally penalized for offenses referred to in art. 120 par. 3-5 of the Act on employment promotion and labour market institutions, or;
 - is a natural person convicted by a valid judgement for an offence referred to in art. 218-221 of the Penal Code, 2, or;
 - is a natural person convicted by a valid judgement for an offence referred to in art. 270-275 of the Penal Code 3, committed in connection with the proceedings for the issue of a work permit, or;
 - is a natural person convicted by a valid judgement for an offense referred to in art. 9 or art. 10 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland, Penal Code 4, or;

¹ See footnote number 1

² See footnote number 3

³ See footnote number 5

⁴ See footnote number 23

- he/she has been legally punished for the offence referred to in art. 11 of the Act of 15 June 2012 on the effects of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland;
- foreigner:
 - he or she does not have formal qualifications or does not meet other conditions that are required if he/she intends to entrust him/her work in a regulated profession within the meaning of art. 5 point 4 of the Act of 22 December 2015 on the rules for the recognition of professional qualifications acquired in the Member States of the European Union (Journal of Laws of 2016, item 65), or;
 - he/she was convicted by a valid sentence for an offense referred to in art. 270-275 of the Penal Code, committed in connection with the proceedings regarding the issue of a work permit or granting him/her a temporary residence and work permit, or;

IV. Withdrawal of the permit

- follows the same rules as in point 3.IV.

V. Expiration of the permit

- follows the same rules as in point 3.V

VI. Form and content of the decision

- content of the decision: period of validity of the permit, name of the company / employing entity, position on which the foreigner is to work (perform the function).

VII. The period of authorization

- necessary to achieve the purpose of stay in the range of 3 months - 3 years,
- new entities whose basis for obtaining business consent was to demonstrate in the future compliance with the conditions for conducting business or having investment means to meet these conditions will receive the first permission most probably for 12 months.

VIII. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer,
- confirmation of having means of subsistence (it may be in the form of an employment contract, including a foreign contract or a civil law contract, or through a printout from the account, proving regular cash inflows to the account, PIT-37 for the last year),
- confirmation of having a place of residence (a lease agreement or other form of contract proving the possession of the right to the premises in which the foreigner resides),
- excerpt from the relevant register regarding business activity (CEIDG or KRS), which would result in the function of an appointment as a function of the company,
- financial documents related to business activity: income statement (CIT-8), VAT registration confirmation, documents related to investments, PIT-36 testimonies, lists of persons employed with contracts, contracts with contractors, profit and loss account, balance sheet, financial report and substantive report on the conducted business activity for the previous year, investment and business plans, information about loans taken or held,
- documents related to business licenses: diplomas, certificates, permits,
- a certificate from the National Criminal Record on no criminal record for a person and a company within the scope defined by the Act,
- photocopy of all pages of the passport and 4 passport photos.

IX. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee - for issuing a temporary residence permit stamp duty is PLN 340

X. Deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland
- if the application is submitted on time and there is no need to fill in the formal defects, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision. Note: the possibility of running a business is independent of the temporary residence permit associated with granting it. It is possible, therefore, to run a business under the rules laid down in the Act on the rules for the participation of foreign entrepreneurs and other foreign persons in the economic turnover on the territory of the Republic of Poland, and not meeting the conditions for granting the said permit. The foreigner must always have a residence permit, for example a visa, a visa-free stay, a temporary stay based on a different legal basis.

XI. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Registering a business in the form of a company or taking up shares in a company.
2. Adoption of a resolution on appointment for a specific function in the company.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Applying for a temporary stay in connection with running a business.
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
5. The decision is issued by the office
6. Getting a residence card.

CHAPTER II. PROCEDURES FOR TEMPORARY RESIDENCE FOR COURSE OF VOCATIONAL TRAINING OR PREPARATORY STUDY IN POLAND

SUBPART I. PROCEDURE FOR OBTAINING A TEMPORARY RESIDENCE IN CONNECTION WITH STUDIES OR A PREPARATORY COURSE FOR STUDYING

1. Entities covered by a statutory authorization (temporary residence and study education (Article 144 of the Act on foreigners))

Third-country nationals whose purpose of stay is:

- education at first-cycle, second-cycle or uniform MA studies or in doctoral schools - full-time studies,
- continuation of full-time university studies or doctoral schools at Polish universities, also when they constitute continuation or supplementation of studies completed in other EU Member States,
- they intend to take a preparatory course to study at university or in doctoral schools in Poland.

2. Definitions relevant to the procedure

- full-time studies - a form of higher education in which at least half of ETCS points are obtained during classes with direct participation of academic teachers or other persons conducting classes and students;
- higher studies - first-cycle studies, second-cycle studies or uniform master's studies conducted by a university authorized to run them;
- first-cycle studies - a form of education for which candidates are admitted with a secondary school-leaving certificate, ending in obtaining first-level qualifications - professional title of a learner, engineer or an equivalent specific field of study and educational profile, confirmed by an appropriate diploma;
- second-cycle studies - a form of education for which candidates with at least first-cycle qualifications are admitted, obtaining a second-cycle qualification - a professional master's degree, a master's degree in engineering or an equivalent degree of study and education, confirmed by a relevant diploma;
- uniform master's studies - a form of education for which candidates with the right are accepted a secondary school graduation certificate, ending in obtaining a second-cycle qualification;
- doctoral schools - an organizational unit run by an authorized organizational unit of a university, a scientific institute of the Polish Academy of Sciences, a research institute or an international scientific institute operating in the territory of the Republic of Poland, which have a scientific category from A + to B + in at least two fields to which they are admitted there are candidates with second-degree qualifications, by way of a competition and where, during their training and conduct of research, candidates obtain a doctoral degree in a specific field of science in the field of science or a doctor of art in the field of art in the field of artistic discipline, confirmed by an appropriate diploma;
- public university - a university established by the state represented by the competent authority or public administration;
- private university - a university created by a natural person or a legal entity that is not a state or local government legal entity;
- unit conducting studies - the basic organizational unit of the university, providing education at university or doctoral schools, determined by the university's statute;
- preparatory course for studies - any form of education that enables or facilitates studying in the territory of the Republic of Poland. It can be both a language course, in particular a Polish language course, as well as all forms of education from various fields of knowledge. It is assumed that such a course should be

conducted with an intensity of at least 4 hours per week and a minimum of 90 hours of lecture in general.

- certificate of the unit running the studies - a document issued according to the template, containing the following data:
 - name and surname of the foreigner; his/her date and place of birth; citizenship; the number of the identity document and the name of the country that issued it;
 - the name and address of the unit running the studies;
 - date of commencement of studies at university; the period of education at the university for which the foreigner was admitted; field of study or a scientific or artistic discipline; determining the form, level of studies and information about their payment. (see attachment No. 1)

3. Conditions for issuing a temporary residence permit in connection with studies or a preparatory course for studies

I. General conditions of the permit

The foreigner has:

- health insurance or proof of coverage by the insurer of treatment costs in the territory of the Republic of Poland,
- sufficient financial resources to cover the cost of living and return travel to his/her country of residence or transit costs to a third country that will grant entry and study costs (subsistence costs: minimum PLN 701 per month for a self-employed person + PLN 1,270 for the first two months of stay and travel expenses: PLN 200 for people returning to a neighbouring country, PLN 500 for people returning to another EU country and PLN 2,500 for those returning to other countries of the world;

The foreigner must submit:

- a certificate of the unit conducting the studies about admission to studies or about the continuation of studies,
- proof of payment if he/she takes or continue paid studies;

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit when he/she:

- has a permanent residence permit or a long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 (humanitarian stay, or for reasons of public interest, or international obligations), or;
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland, or
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- is imprisoned or temporarily arrested, or;
- stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant temporary, permanent and resident's and other forms of legalization, including withdrawal of consent for humanitarian stay), or;
- resides outside the borders of the Republic of Poland, or;

- ng an application for granting this permission to him/her, or on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him or her temporary residence permit because of the declared purpose of stay or;
- circumstances which form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, and in particular humanitarian or international obligations and the interests of the state making such entry were taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
- subject to the obligation of treatment, he/she does not consent to this treatment, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally.
- has a temporary residence permit for the purpose of undertaking or continuing studies or vocational training referred to in art. 186 par. 1 point 3 lit. b, or (temporary residence of a foreigner holding a residence permit for a long-term EU resident of another Member State who has come to Poland)
- performs work or running a business in the territory of the Republic of Poland, unless he/she applies for another permit, for permission to reside temporarily in connection with studies (extension).
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.
 - failure to pass the year of study at a specified date

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:

- he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
- he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- subject to the obligation of treatment, he/she does not consent to this treatment
- he/she did not pass the year of studies at a given date - concerns another permit (optional)

V. Expiration of the permit

A temporary residence permit expires by law on:

- obtaining a temporary residence permit by the foreigner,
- permanent residence permits, long-term resident's EU residence permits or;
- Polish citizenship

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information about the education unit, field of study and their type.

VII. The period of authorization

- the first temporary residence permit in connection with studies on the territory of the Republic of Poland undertaken in the first year is granted for a period of 15 months.
- if the circumstance that is the basis for applying for a temporary residence permit in connection with the studies justifies the stay of a foreigner on the territory of the Republic of Poland for less than one year, the first permit for a foreigner who undertakes full-time university studies or in doctoral schools on the territory of the Republic of Poland on the first year is granted for the duration of the academic year or study extended by 3 months. Note: the status of a graduate student is up to 31 October of a given academic year.
- permits for first-cycle studies, second-degree studies or one-time master's studies or in doctoral schools in the circumstances referred to in art. 144 para. 2 of the Act on foreigners (preparatory course), are granted for the duration of the preparatory study course for the purpose of studying at these studies, extended by 3 months.
- the next temporary residence permit in connection with the studies is granted for the period of first-cycle studies, second-cycle studies or uniform master's studies or in doctoral schools or for the preparatory course to study at these studies, extended by 3 months, however not longer than 3 years .

VIII. Permissions

- access to the labour market - with the reservation that the implementation of the stay is based on higher education, unified text, art. 144 of the Act on Foreigners. If a foreigner has previously worked, he/she will not be allowed to stay as a student.
- the right to run a business - with the reservation that the implementation of the stay is based on higher education, unified text, art. 144 of the Act on Foreigners. If a foreigner has previously run a business, he/she will not be allowed to stay as a student.

IX. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- confirmation of having health insurance or confirmation of covering the costs of treatment by the insurer,
- confirmation of having means of subsistence (traveller's checks, funds on an account, limit on the account or credit card, confirmation of having a scholarship, cash),
- confirmation of having a place of residence (a lease agreement or other form of contract proving the possession of the right to the premises in which the foreigner resides) - optional,
- a certificate from the unit conducting the studies about admission to a given field of study or from a unit running a preparatory course,
- confirmation of payment of the tuition fee or preparatory course (if applicable),
- for continuing students - a certificate of continuation of studies, proof of passing the year,
- for students who have not passed the year - permission of the competent university body to extend the date of passing the academic year or repeating the studies,
- photocopy of all pages of the passport and 4 passport photos.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days, issued taking into account the date of commencement of studies or their continuation
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - for issuing a temporary residence permit stamp duty is PLN 340

XI. Deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland;
- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

The Rector of the University or the head of another unit running the studies shall immediately notify the voivode in writing who has granted the temporary residence permit in connection with the studies on the removal of the student from the student list, as well as for failing to complete the year of study.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days about the cessation of fulfilling the conditions of stay. If the validity of the permit is not the sole basis for the stay, the trip may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa);
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Registration for a preparatory course or full-time studies in the Republic of Poland.
2. Obtaining necessary documents from the university or from the course organizer.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Applying for a temporary residence in connection with studies.
 - c) filling in the application, payment of fees and attaching the required documents
 - d) submission of fingerprints at the office
5. The decision is issued by the office.
6. Getting a residence card.

Appendix No. 1 - certificate from the university about admission to studies

Journal of Laws

-2-

Item 1835

TEMPLATE

.....
(name and address of the lead unit
study or school education
PhD)

.....
(place and date)

CERTIFICATE

on the admission of a foreign national to full-time studies / education at a doctoral school / on the continuation
by a foreign national of stationary studies / education at a doctoral school ¹

It is certified that Mr. / Mrs.
(first name and last name)

born on..... in
(date of birth) (place of birth)

citizen of

holder of the identity document numer.....

issued in.....
(the country that issued the document)

has been admitted for a period of to
(the expected duration of full-time studies or education at a doctoral school)

to full-time studies / education at the doctoral school ².....³

in the field / in scientific or artistic disciplines ¹.....⁴

for payment / without payment¹, and continuing the studies / the education at the doctoral school ¹
to.....⁵

(the semester or year of full-time studies
or education at a doctoral school)

The education at the full-time studies / at the doctoral school ¹ begins / began on¹

.....

Signature of the head of the unit conducting the studies /
education at the doctoral school^{1,6}

¹ Delete as appropriate.

² Delete the incorrect type of studies.

³ In the case of full-time studies, enter the appropriate: *first degree, second degree, uniform master degree*

⁴ Enter, respectively: in the case of full-time studies - the name of the field of study, in the case of a doctoral school - the names of the scientific or artistic disciplines in which education is conducted.

⁵ Fill in if the certificate is issued for the confirmation of the continuation of full-time studies or education at a doctoral school by a foreign national.

⁶ Should the certificate be issued by a university, the signature is to be submitted by the rector or a person authorized by him,

should the certificate be issued by another entity - the head of this unit or a person authorized by him

Subchapter II. PROCEDURE FOR OBTAINING TEMPORARY RESIDENCE IN CONNECTION WITH OTHER FORMS OF EDUCATION THAN STUDIES AND IN CONNECTION WITH THE STATUS OF GRADUATE

1. Entities covered by a statutory permit (optional) (temporary residence in Poland in connection with education or graduate status (Article 187 paragraph 1 point 1 a and b and 2 of the Act on foreigners))

Third-country nationals whose purpose of stay is:

- intention to take up or continue education in the territory of Poland in order to take or continue professional training on the territory of Poland;
- job search on the territory of the Republic of Poland as a graduate of a Polish university.

2. Definitions relevant to the procedure

- administrative recognition - the right of the authority conducting proceedings to refuse to grant a temporary residence permit despite fulfilling the conditions described in the Act. This right requires justification of the grounds that the authority followed when issuing a negative decision.
- science - an organized education process within the general education system in educational institutions functioning outside the higher education system. Pre-school education, as part of a primary, secondary, technical, vocational or post-secondary school, study or teaching colleges and other similar schools.
- vocational training - an organized didactic process aimed at obtaining, supplementing or improving skills, professional or general qualifications needed to perform work, including the ability to search for employment.
- a graduate of a university - a person who graduated from a Polish university and has obtained a professional title corresponding to a given degree (bachelor, engineer, master, master engineer) or a degree.
- full-time studies - a form of higher education in which at least half of the ETCS points are obtained during classes with direct participation of academic teachers or other persons conducting classes and students.
- higher studies - first-cycle studies, second-cycle studies or uniform master's degree programs, taught by a university authorized to run them.
- public university - a university established by the state represented by the competent authority or public administration.
- private university - a university created by a natural person or a legal entity that is not a state or local government legal entity.
- Obligation of maintenance - the obligation to provide means of subsistence, and if necessary, also means of education, which burden relatives in a straight line and siblings. This obligation firstly charges the descendants (children) before the initial (parents), and the preliminary (parents) before the parents, closer to the degree (parents / children) from further grades (grandchildren / grandparents). The spouse's maintenance obligation precedes the duties of other relatives, also after the dissolution of the marriage or the separation order. Parents are always first and foremost obliged to feed their child who is unable to maintain themselves. The obligation to pay maintenance is subsequently established only when the income and personal conditions of the responsible person make it impossible to comply with it or the recovery from it would be significantly impeded (e.g. its whereabouts are unknown), is in prison, abroad, etc.).

3. Conditions for granting temporary residence permit in connection with education or the status of a graduate of a Polish university

I. General conditions of the permit

Categories of eligible foreigners:

A. A foreigner taking or continuing education

Foreigner:

- intends to take or continue education in the territory of the Republic of Poland,
- has health insurance or a confirmation by the insurer to cover the costs of treatment on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover the costs of living for him/her self and the family who are dependent on him/her (PLN 701 per month for a single person and PLN 529 for each of the subsequent members of the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries for each person).
- has a place of residence in Poland.

B. A foreigner undertaking vocational training

Foreigner:

- intends to undertake or continue professional training on the territory of the Republic of Poland,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income allowing him/her to support their self and any family members (PLN 701 per month for a single person and PLN 529 for each subsequent person included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries for each person).
- has a place of residence in Poland.

Fulfilling the financial criterion - fulfilling the requirement of having a source of stable and regular income may consist in providing such a source by the foreigner applying or another person legally obliged to maintain the foreigner who resides in the territory of the Republic of Poland. Note: the obligation to bear the maintenance costs arises from maintenance obligations (see definition). If, apart from foreigners entitled to join, who do not meet the financial criterion in Poland, another family member lives, who may cover these costs, is obliged to alimentation, but is not entitled to a family connection, his/her declaration of living expenses of the foreigner arriving must be recognized by the authority.

C. A graduate of a Polish university looking for a job in Poland

Foreigner:

- is a graduate of a Polish university and is looking for work in Poland,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has maintenance in Poland (PLN 701 per month for a single person and PLN 529 for each of the persons included in the family) and for return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries for each person) .
- has a place of residence in Poland.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit:

- has a permanent residence permit or a long-term resident's EU residence permit or;

- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 (humanitarian stay, or for reasons of public interest, or international obligations), or;
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland, or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant temporary, permanent and resident's permits and other forms of legalization, including withdrawal of consent for humanitarian stay), or;
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him or her on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay, or;
- circumstances which form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, and in particular humanitarian or international obligations and the interests of the state making such entry were taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or he/she combined documents containing such data or information to it, or
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- being subject to the treatment obligation, he/she does not consent to this treatment, but this does not apply to the case of the next permit, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;

V. Expiration of the permit

- on an analogous basis, as in point 3.V of Chapter I of Chapter II

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on the legal basis for the authorization.

VII. The period of authorization

- period necessary to achieve the purpose of stay not longer than one year - for a foreigner referred to in point 3.I. A and B procedures (period of education or vocational training)
- 1 year (directly and one time since graduation) - for a foreigner referred to in point 3.I. C procedures. Note: the period of 12 months is counted from the day of graduation, and not from the date of issuing the residence permit.

VIII. Permissions

- access to the labour market
 - yes, without a work permit for a foreigner referred to in point 3.I. C procedures,
 - yes, with a work permit for a foreigner referred to in point 3.I. A and B procedures
- the right to run a business - yes, only in the form of a limited partnership, joint-stock partnership, limited liability company and joint-stock company, as well as to join such companies and take or acquire their shares or stocks.

IX. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- for a foreigner defined in point 3.I.A of the procedure: a school document on admission to school, a school certificate; confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of achieved

income from the employer, PIT-37, PIT-36 in the case of economic entities, financial documents of companies, etc., confirmation of registration and a document with a legal title to the premises, contract of employment, contract for a specific task or order (if applicable) for retainers;

- for a foreigner specified in point 3.I.B of the procedure: document on admission to vocational training; confirmation of having health insurance, confirmation of possessing financial resources - bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of entrepreneurs, financial documents of companies, etc., confirmation of registration and document with the legal title to the premises;
- for a foreigner specified in point 3.I.C of the procedure: diploma of completion of studies; certificate of registration as unemployed (optional), confirmation of having health insurance, confirmation of possessing financial means or dependents - bank statements, credit card, certificate of the amount of income earned from the employer, PIT-37, PIT-36 in the case of running a business, financial documents of companies, etc., confirmation of registration and a document with a legal title to the premises,
- photocopy of all pages of the passport and 4 passport photographs.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days).
- fee - for issuing a temporary residence permit stamp duty is PLN 340

XI. Deadlines:

- the application should be submitted at the latest on the last day of legal residence in Poland,
- for the foreigner specified in point 3.I.C of the procedure: the application should be submitted immediately after graduation, at the latest on the last day of the validity of the residence card issued in connection with the studies.
- if the application is submitted on time and there is no need to supplement the formal defects of the application, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Obtaining the necessary documents.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Applying for a temporary residence due to education or being a graduate:
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
4. The decision is issued by the office.
5. Getting a residence card.

CHAPTER III. PROCEDURES RELATED TO FAMILY TIES

SUBPART I. PROCEDURE FOR ACQUISITION OF RESIDENCE OF POLISH CITIZENS FAMILY MEMBERS

1. Entities covered by a statutory authorization (temporary stay of spouses (article 158 of the Act on foreigners)

Third-country nationals whose purpose of stay is:

- being with a spouse who is a Polish citizen,
- continuing stay in Poland in the event of divorce or separation and widowhood.

2. Definitions relevant to the procedure

- marriage - the relationship of one woman and one man, recognized by Polish law, and therefore concluded either in Poland as a civil or religious marriage in churches with which the Republic of Poland has concluded agreements on regulating the relationship between the state and the church or the competent office of a third country or in a religious rite confirmed as legal by the third country in which such a marriage was concluded. Note: in accordance with the judgement of the Court of Justice of the European Union, each spouse of a Union citizen who has married to him under the law of a given Member State has the right to the right of residence and freedom of movement without discrimination and thus on the terms set by the State of residence (Relu Adrian Coman et al. C-673/16:
- a marriage of convenience - a marriage contracted to circumvent the rules determining the terms and conditions of entry of foreigners into the territory of the Republic of Poland, their passage through this territory, stay on it and leave from it. This fact is determined in every proceeding regarding a spouse of a Polish citizen or a foreigner who is entitled to a family relationship. When determining whether a marriage has not been entered into for convenience, the authority determines whether:
 - one of the spouses has accepted a property advantage in exchange for consenting to the marriage, unless it resulted from a well-established custom in a given country or social group (gifts, pre-marital contracts, statues and other culturally accepted forms);
 - the spouses do not fulfil legal obligations resulting from the marriage;
 - the spouses do not live together or do not run a single household;
 - the spouses did not meet before the marriage;
 - the spouses do not speak a language understandable to both;
 - the spouses are not in agreement about their personal data and other relevant circumstances concerning them;
 - one of the spouses, or both spouses in the past, already had apparent marriages.
 - other circumstances of the case indicate that the marriage is apparent and has been concluded in order to circumvent the provisions of the law and the rules of stay of foreigners in Poland

In determining the aforementioned circumstances, the voivode may ask the Border Guard for environmental interviews and other activities aimed at collecting evidence in the case.

- legal obligations in marriage - the obligation to live, mutual help and fidelity, cooperation for the benefit of the family, the obligation to contribute according to their own strength to the needs of the family.
- divorce - dissolution of a marriage in accordance with Polish law, or the law of the country of the European Union, or the law of the country in which it was concluded. The body authorized to terminate the marriage most frequently is the Court or a public administration body. In some countries, the dissolution of a marriage can take place in a less formal way. For the purposes of Polish law, such a divorce should, however, be officially certified.

- separation - a form of relationship between the spouses in which there was a complete breakdown of the relationship between them, which, however, is not permanent. The separation must be ordered by a Polish family court or another court in the European Union, if a similar legal institution exists in a Member State. The effects of separation are the same as divorce. However, the abolition of separation does not require the conclusion of marriage again between the same persons. A separated spouse cannot remarry.

3. Conditions for granting a temporary residence permit for spouses of Polish citizens

I. General conditions of the permit

Foreigner:

- remains in the marriage of a Polish citizen recognized by the Republic of Poland

A foreigner who has a temporary residence permit for a family member of a Polish citizen is granted a one-time permit for a temporary stay when:

- he/she is divorced or separated from a Polish citizen and his/her important interest speaks for him/her;
- he/she was widowed – his/her wife/husband died.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit he/she:

- has a permanent residence permit or a long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on foreigners (humanitarian stay, or due to the interest of the state, or international obligations), or;
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 of the Act on Foreigners (short-term stay), or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland, or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant temporary, permanent and resident's permits and other forms of legalization, including withdrawal of consent for humanitarian stay), or;
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him or her on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances which form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland for a period longer than 3 months, or;

- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, and in particular humanitarian or international obligations and the interests of the state making such entry were taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or;
 - he/she combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic
- the marriage was concluded for convenience.
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final - in practice this condition will apply only to people who have divorced, widowed or who are separated.

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic

V. Expiration of the permit

A temporary residence permit expires by law on:

- obtaining a temporary residence permit by the foreigner,
- permanent residence permit, long-term EU residence permit or
- Polish citizenship

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on the authorization in connection with marriage with a Polish citizen.

VII. The period of authorization

- the period necessary to achieve the purpose of the stay of no longer than 3 years.
- for foreigners divorced, widowed or separated - up to 3 years

VIII. Permissions

- access to the labour market - yes
- the right to run a business - yes (on the rules applicable to Polish citizens)

IX. Required documents:

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- marriage certificate - a shortened copy issued by the Polish Civil Registry Office (USC),
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- the application is submitted to the Commune Office, in which the Civil Registry Office is established in the place of the intended residence of the foreigner. In the absence of such a place, an application submitted to the Office of the Capital City of Warsaw - Śródmieście district.
- the application is made on the form - stamp duty for issuing a full copy is PLN 50, shortened PLN 30. The duty is paid to the tax office of the Commune Office.
- the application must be accompanied by the original marriage certificate issued by the state of marriage together with its translation into Polish - a sworn translation is required by a sworn translator from the list of translators published by the Ministry of Justice or a consul. Note: the original will not be returned, unless the foreigner proves that obtaining the act in the country of origin is not possible or significantly impeded.
- the application must be submitted in writing by both spouses on the adopted surnames after the marriage and on the surnames of the children (if applicable).
- when submitting the application, he/she must show their ID.
- the application is processed within 60 days.
- the foreigner receives a full copy of the marriage certificate or a refusal decision, which may be appealed to the voivode competent for the seat of the head of the Civil Registry Office.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application should be submitted at the latest on the last day of legal stay in Poland, where the breach of this deadline has no negative consequences for the foreigner (the application may be submitted during an illegal stay in Poland);

- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit, e.g. a valid divorce, separation or death of the spouse.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the sole basis for the stay, the trip may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa);
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days before gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Conclusion of marriage.
2. Location of a foreign act in Polish civil status books (if applicable).
3. Obtaining the necessary documents
4. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
5. Submission of a temporary residence permit in connection with a marriage with a Polish citizen.
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
6. The decision is issued by the office.
7. Getting a residence card.

Appendix No. 1 - application for the location of a foreign act in Polish civil status books (attachment from Krakow)

Appendix 2 to the SC-6 procedure

Reference number	SC-03.5353.	Date of application:
		Accepted by:

MANAGER
CIVIL STATE REGISTRY OFFICE IN KRAKOW

Applicant 1 Applicant 2 Representative

NAME			
SURNAME			
ADDRESS			
PESEL number			
NAME OF IDENTITY DOCUMENT			
CONTACT TELEPHONE			

APPLICATION FORM

**FOR TRANSFER TO THE CIVIL STATE REGISTER OF A FOREIGN CIVIL SERVICE DOCUMENT AS TRANSCRIBED
CONFIRMING THE CONCLUSION OF MARRIAGE**

I am requesting that a marriage certificate of the following persons be transferred to the civil state register:

(male) **and (female)**

..... **Concluded on** **In (city/town)**

..... **country** **Citizenship of spouses:**

-MALE

- FEMALE

Spouse's addresses (if they are not the Applicants):

-MALE

.....
-FEMALE

1. I am requesting an amendment to the spelling of the data contained in a foreign document to satisfy the rules of Polish spelling:

YES / NO *

2. I declare that the act has not been prepared in any of the Civil State Registry Offices in Poland before.

3. I/we have been informed that the original documents submitted together with the application

And the translation of them will not be returned to me.

4. I have been informed that in the case of a change of the name as a result of marriage, there is an obligation to exchange the Polish ID card.

5. **If the foreign marriage certificate does not contain a record of the surname of the spouses after the marriage, the spouses can submit such a statement in the submitted application for transcription. In the same way, spouses can make a statement regarding the names of any children that are the issue of this marriage**

Subchapter II. PROCEDURE FOR OBTAINING THE RESIDENCE OF MEMBERS OF THE FAMILY OF POLISH CITIZENS

1. Entities covered by a statutory authorization (temporary residence of family members of Polish citizens (Article 158 of the Act on foreigners)

Third-country nationals whose purpose of stay is:

- being with a parent who is a foreigner who is married to a Polish citizen only if they are minors,
- continuation of stay in Poland in the case of minors orphaned by a foreigner who is the spouse of a Polish citizen.

2. Definitions relevant to the procedure

- marriage - see point 2 of Subchapter I,
- a minor - a person who is under 18 years of age,
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.

3. Conditions for granting temporary residence permit for family members of Polish citizens

I. General conditions of the permit

Foreigner:

- is a minor,
- is a child of a foreigner who is the spouse of a Polish citizen,
- the minor's parent has a temporary residence permit for a family member of a Polish citizen, or;
- the minor's parent has a permanent residence permit in connection with staying with a Polish citizen in a marriage.

A minor foreigner who has been granted a temporary residence permit for a family member of a Polish citizen is granted a single temporary residence permit once, if:

- his/her parent, who is a foreigner married to a Polish citizen who died and speaks for the important interests of the child.

II. Refusal to initiate proceedings

- A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit on grounds analogous to the spouse of a Polish citizen - see point 3.II of Subchapter 1.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances which form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data can be found in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, and in particular humanitarian or international obligations and the interests of the state making such entry were taken into account, or;

- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international treaties binding for the Republic of Poland, or
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or he/she combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- being subject to the treatment obligation, he or she does not consent to this treatment, but this does not apply to the case of the next permit, or;
- he/she filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally. Note: In this case, however, this may not be the only reason for refusal
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

a

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - the entry of the foreigner's data into the list of foreigners whose stay is undesirable on the territory of the Republic of Poland is obligatory
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
 - subject to the obligation of treatment, he/she does not consent to this treatment.

V. Expiration of the permit

- on principles analogous to those specified in point 3.V of Subchapter I

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on granting a permit for family members of Polish citizens

VII. The period of authorization

- the period necessary to achieve the purpose of the stay for not longer than 3 years.
- for orphaned foreigners - up to 3 years

VIII. Permissions

- - access to the labour market - yes, from the age of 16
- - right to conduct business - no

IX. Required documents:

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- file of birth and marriage certificate of parents - short copies issued by the Polish Civil Registry Office (USC),
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- see item 3.IX of Subchapter I and Appendix No. 1 in subchapter I and this Sub-chapter.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days).
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland, where the breach of this date has no negative consequences for the foreigner if this fact would be the sole reason for refusal of the permit (the application may be submitted during an illegal stay in Poland if all other premises are met).
- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

Notification by the Governor within 15 working days about the cessation of the reason for granting the permit, i.e. the attainment of legal age, orphan, divorce of parents, separation of parents, death of a Polish citizen - a spouse of a minor foreigner's spouse.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa).
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Location of a foreign act in Polish civil status books (if applicable).
2. Obtaining the necessary documents.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Applying for a temporary stay in connection with being a family member of a Polish citizen.
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
5. The decision is issued by the office.
6. Getting a residence card.

Appendix No. 1 - application for the location of a foreign act in Polish civil status books (attachment from Krakow)

Appendix 1 to the SC-6

Reference number	SC-03.5353.	Date of application:
		Accepted by:

MANAGER**CIVIL STATE REGISTRY OFFICE IN KRAKOW****Applicant 1 Applicant 2 Representative**

NAME			
SURNAME			
ADDRESS			
PESEL number			
NAME OF IDENTITY DOCUMENT			
SERIES			
CONTACT TELEPHONE NUMBER			

APPLICATION FORM**FOR TRANSFER TO THE CIVIL STATE REGISTER OF A FOREIGN CIVIL SERVICE DOCUMENT AS TRANSCRIBED CONFIRMING BIRTH**

I am requesting a birth certificate to be transferred to the register of civil status concerning: me, my father, mother, spouse, child, grandchild, granddaughter, brother, sister, other*:

Data relating to the person born:

First name (s) **Last name**

.....

Date of birth **Country and place of birth.....**

Citizenship of the person concerned

1. I am asking for an amendment to the spelling of the data contained in a foreign document to satisfy the rules of Polish spelling (except for the first name / first names of the person born): **YES / NO ***.
2. I declare that a file has not been prepared in any of the Civil State Registry Offices in Poland before.
3. I have been informed that the original foreign documents submitted together with the application and their translation will not be returned.
4. I have been informed that the Civil Registry Office does not issue PESEL numbers to people born abroad.

5. I have been informed of the possibility of clarifying and / or supplementing the contents of the file*:

a) I am requesting such actions:

.....

b) I am not requesting such actions.

6. Additional explanations:

.....

7. I declare that at the time of birth, the mother's marital status was:

a) single

b) married from c) widowed from

d) remaining in a court-adjudicated on separation from

e) divorced from with

8. Power of Attorney* (complete if a representative is to act in the case):

a) I am appointing *a representative for service* (name, surname, address, telephone number):

.....

b) I am appointing *a representative for the case* (name, surname, address, telephone number):

.....

At the same time, I am confirming the nature of the relationship between me and the representative:

Applicant I: Applicant II:

9. The collection of the copies of the prepared act shall be done by*:

a) The Applicant / Representative * in person

b) The Applicant / Representative * by mail to the following address:

.....

..... I am attaching the following:

1 a) the original copy of the foreign civil status document together with an official translation into Polish;

b) a copy of the birth certificate issued in accordance with the Vienna Convention of 08.09.1976.

2 Proof of stamp duty payment for the amount:

.....

3 Other:

*circle as appropriate

.....
 (signature/ Applicant 1)

.....
 (signature/ Applicant 2)

.....
 (signature/ Representative)

Subchapter III. PROCEDURE FOR GRANTING TEMPORARY RESIDENCE IN CONNECTION WITH FAMILY REUNIFICATION

1. Entities covered by a statutory authorization (temporary residence related to family reunification (Article 159 of the Act on foreigners))

Third-country nationals whose purpose of stay is:

- stay with a family member or visit a family member who is a foreigner who has the right to stay in Poland.

2. Definitions relevant to the procedure

- marriage - see the definition contained in point 2 of Sub-chapter I
- child - a person with biological or legal bond with parents, based on adoption (adopting)
- minor - a person who is under 18 years of age
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- a family member within the meaning of the provisions on the right to family reunification - a foreigner who belongs to one of the following categories of persons:
 - spouse - is a person who stays with a foreigner in a marital relationship recognized by Polish law,
 - a minor child, including an adopted foreigner and a person being married to him/her, recognized by Polish law (joint condition),
 - a minor child, including an adopted foreigner who is dependent on him/her and over whom he/she has effective parental authority,
 - a minor child, including an adopted child, a spouse of a foreigner who is dependent on him/her and over whom he/she exercises actual parental authority,
 - relative in a straight line (parent, grandfather/grandmother, great grandfather great grandmother, etc.) or an adult person responsible for a minor in accordance with Polish law of a minor who has been granted refugee status or subsidiary protection and who stays in Poland unaccompanied.
- Maintenance obligation - see the definition contained in point 2 of Subchapter I
- marriage for convenience - see the definition contained in point 2 of Sub-chapter I
- legal obligations in marriage - the obligation to live, mutual help and fidelity, cooperation for the benefit of the family, the obligation to contribute according to their own strength to the needs of the family.
- divorce - see the definition contained in point 2 of Subchapter I
- separation - see the definition contained in point 2 of Subchapter I

3. Conditions for granting temporary residence permit in connection with family reunification

I. General conditions of the permit

A foreigner entitled to be connected to his family, staying and residing on the territory of the Republic of Poland (applicant):

- permanent residence - has a permanent residence permit (a),
- EU residency - has a long-term resident's EU residence permit (b),
- refugee - has a refugee status granted in the Republic of Poland (c),
- subsidiary protection – he/she was granted subsidiary protection in the Republic of Poland (d),
- temporary stay - has a temporary stay on the territory of the Republic of Poland for at least two years, granted at least two consecutive decisions, of which at least once for a period of minimum 12 months (in the period preceding the submission of the application) (e),

- scientist - has a temporary residence permit in connection with scientific research or stay of a researcher (Article 151 of the Act on foreigners) (f),
- a researcher using mobility - has a temporary residence permit granted for the purpose of conducting scientific research, when the foreigner has a residence permit referred to in art. 1 point 2 lit. and Council Regulation No. 1030/2002, bearing an academic element, issued by another Member State of the European Union, if the agreement on the admission of a foreigner for the purpose of carrying out a research project concluded with the relevant scientific unit of that state provides for scientific research also in the territory of the Republic of Poland (g),
- EU blue card - has a temporary stay in order to work in a highly qualified job (h),
- intra-corporate transfer - has a temporary residence permit to perform work as part of an intra-corporate transfer (i),
- long-term mobility - has a temporary stay in order to benefit from long-term mobility (j),
- humanitarian stay - has permission for humanitarian stays in Poland (k).

A foreigner covered by the application:

- stays (there already) or arrives (intends to come) to Poland in order to connect with his/her family
 - with a foreigner referred to in point 3.I.a-k of the procedure,
- meets the definition of a family member within the meaning of the provisions on the right to family reunification (see definitions),
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a stable and regular income source to cover maintenance costs (PLN 701 per month for a single person and PLN 529 for each of the members of the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries).
- has a place of residence in Poland.

Note: the privilege of refugees and people with subsidiary protection - the requirement of having health insurance, stable source of income and place of residence does not have to be met by foreigners who connect with a foreigner who has been granted refugee status in Poland or who has been granted subsidiary protection. 6-month condition - the condition to take advantage of the privilege is to apply for a temporary residence permit in connection with family reunification within 6 months from the date of granting refugee status or granting subsidiary protection.

Fulfilling financial criterion - meeting the requirement of having a stable and regular income source may consist in providing such a source by the foreigner or another person legally obliged to maintain a foreigner who resides in the territory of the Republic of Poland. Note: the obligation to pay maintenance costs arises from maintenance obligations (see definition 'n'). If, apart from foreigners entitled to join, who do not meet the financial criterion in Poland, another family member lives, who may cover these costs, is obliged to alimentation, but is not entitled to a family connection, his/her declaration of living expenses of the foreigner arriving must be recognized by the authority.

II. Refusal to initiate proceedings:

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit for the same reasons as described in point 3.II of Subchapter I, with the exception of the condition of stay outside the Republic of Poland.

Note: stay abroad - a temporary residence permit in connection with a family reunification is the only case in which he/she can apply for such a permit is if the foreigner is still staying abroad.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances that constitute the basis for applying for this permit do not justify his/her stay on the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular humanitarian or international obligations and the interests of the State making such entry have been taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or he/she combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
- subject to the obligation of treatment, he/she does not consent to this treatment, but this does not apply to the case of issuing for another permit (note: not applicable to the applicant's spouse), or;
- filed an application during an illegal stay in the territory of the Republic of Poland or stays in this territory illegally (note: does not apply to the applicant's spouse, as well as a foreigner who has been granted refugee status or subsidiary protection, if the family already existed in the foreigner's country of origin and a family member was staying in the Republic of Poland on the day of submission of the application for international protection by the foreigner),
- in the case of a marriage with a spouse - the marriage was for convenience (see definitions)
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

IV. Withdrawal of the permit

- on the same premises referred to in point 3.IV of sub-chapter II

V. Expiration of the permit

- on principles analogous to those specified in point 3.V of Subchapter I

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on granting permission in connection with the family connection.
- specific duties of the authority conducting the proceedings:
 - in the procedure for granting or withdrawal of a temporary residence permit to a foreigner in connection with the merger with a family, the following are taken into account:
 - the minor's child's interest;
 - the nature and durability of family ties on the territory of the Republic of Poland;
 - the period of the foreigner's stay on the territory of the Republic of Poland;
 - the existence of family, cultural and social ties with the country of origin.

VII. The period of authorization

- equal to the period of the applicant's foreigner permit (the date of expiry of the permit period granted to the applicant is bordering)
- up to 3 years in the case of foreigners who have a permanent residence permit, a long-term resident's EU residence permit, subsidiary protection, a residence permit for humanitarian reasons or who have been granted refugee status in the Republic of Poland.

VIII. Permissions

- access to the labour market - yes, without permission
- the right to run a business - in accordance with the rules applicable to Polish citizens.

IX. Required documents and procedure

Procedure:

- The application is submitted by a foreigner who resides in the territory of Poland and is entitled to join their family;
- The application is submitted on behalf of the foreigners covered by the merger
- Submission of the application requires the written consent of the family member with whom the applicant wishes to call or his/her legal representative, unless the applicant is his/her statutory representative;
- consent to the merger is also a power of attorney for the applicant to act on behalf of the foreigner covered by the merger;
- intra-corporate transference and long-term mobility: for foreigners who come to Poland in connection with an intra-corporate transfer or long-term mobility, and an application to their family members has been submitted up to 3 days from the date of submission of the application for granting these foreigners temporary residence permits:
 - the voivode is competent to adjudicate at the seat of the receiving unit,
 - a positive or denied decision is issued immediately after granting or refusal of a temporary residence permit for a foreigner who is transferred within the enterprise or uses long-term mobility.

Required documents

- completed application for a temporary residence permit - separate for each member of the family subject to joining,
- confirmation of payment of stamp duty from the application,
- birth certificate and marriage certificate proving parent's kinship or the fact of marriage - short extracts issued by the Polish Civil Registry Office (USC),
- residence decisions of a foreigner residing on the territory of Poland and a residence card,
- documents relating to his/her insurance,
- confirmation of having means of subsistence (depending on its source: bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of economic entities, financial documents of companies, etc.),
- confirmation of the place of residence - property agreement, lease agreement,
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- see section 3.IX of Subchapter I

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,

- forms:

- refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
- positive decision - issuing the permit
- negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days)
- fee - for issuing a temporary residence permit stamp duty is PLN 340 for each member of the family subject to joining.

XI. Deadlines:

- the application should be submitted at the latest on the last day of legal stay in Poland - applies to a foreigner residing in Poland (and subject to submission of his/her own application for extension of stay).
- another application must be submitted at the latest on the last day of legal residence in Poland.
- in the case of spouses of foreign nationals and members of the family of foreigners who have been granted refugee status or have been granted subsidiary protection, with the restriction referred to in point 3.III of the procedure, it is possible to submit an application during an illegal stay in Poland.
- if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the date of the final decision

XII. Information duties

Notification by the Governor within 15 working days about the cessation of the reason for granting the permit, i.e. loss of the applicant's foreigner's residence or travel, divorce, separation, death of the applicant or child of the applicant, etc.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa).
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Location of a foreign act in Polish civil status books (if applicable).
2. Obtaining the necessary documents.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Submission of a temporary residence application in connection with a family reunification.
 - a) filling in the application, payment of fees and attaching the required documents
5. The decision is issued by the office.
6. Sending a decision to the country of residence of foreigners who come to Poland to join the family.
7. Visa application to a consul in the foreigner's country of residence, who arrives in order to be connected to his/her family - a visa under Art. 60 point 24 of the Act on foreigners.
8. Arrival in Poland on the basis of a visa issued by the consul.
9. Submitting an application for issuing a residence card and making fingerprints.
10. Getting a residence card.

Subchapter IV. PROCEDURE FOR GRANTING TEMPORARY RESIDENCE IN CONNECTION WITH FAMILY REUNIFICATION
- SPECIAL CASES

1. Entities covered by statutory authorization (administrative recognition)
(temporary residence in connection with family reunification (Article 160 of the Act on foreigners))

Third-country nationals whose purpose of stay is:

- staying with a family member - a Polish citizen or a citizen of another EU, EEA, EFTA or Swiss Confederation,
- stay with a parent immediately after birth, if the parent is in Poland on the basis of a visa or temporary stay
- staying in Poland to lead a family life with a Polish citizen or EU citizen, EEA, EFTA or Swiss Confederation,

2. Definitions relevant to the procedure

- administrative recognition - see point 2 of Subchapter II in Chapter II.
- marriage - see section 2 of Subchapter I.
- child - a person who has a biological or legal bond based on adoption with their parents
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- family member - descendant, introductory or relative in the family line without restrictions, affinity (relative of the spouse)
- family life - within the meaning of art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to respect for family and private life. At the same time, interference of public authorities with the use of this right is prohibited, except for cases provided for by law and necessary in a democratic society due to state security, public safety or economic prosperity, protection of order and crime prevention, protection of health and morals or to protect the rights and freedoms of others. The catalogue of situations covering the right to protection of family life is wide and subject to individual assessment. Around art. 8, also in the context of the right to stay in the territory of a given country, the rich jurisprudence of the European Court of Human Rights in Strasbourg developed. Among the situations that justify the protection of family life, first of all long-term cohabitation, intergenerational bonds based on long-term stay or upbringing, ties associated with long-term stay on the territory of a given country together with family and other situations.

3. Conditions for granting temporary residence permit in connection with the merger with a Polish citizen or foreigner, benefiting from the free movement of persons, and in connection with family life

I. General conditions of the permit

Categories of eligible foreigners:

A. Other family members entitled to connect with Polish citizens or foreigners who benefit from the free movement of persons

Foreigner:

- is a family member of a Polish citizen residing in Poland, other than his or her spouse, his or her spouse's child up to the age of 21, or a dependent child, or a parent or his/her spouse who is dependent on them
- is a family member of a citizen residing in Poland, a citizen of another EU, EEA, EFTA or Swiss Confederation other than:

- spouse of an EU citizen,
- the direct descendant (child) of an EU citizen or his/her spouse, up to 21 years of age or dependent on an EU citizen or his/her spouse,
- direct admission of an EU citizen or his spouse, dependent on the EU citizen or his spouse;
- stays on the territory of the Republic of Poland together with the above-mentioned persons, due to:
 - financial dependence on these persons or staying with them in a household in the country from which the foreigner arrived
 - serious health reasons that require personal care from these people
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).

B. Minors born on the territory of the Republic of Poland

Temporary residence permits can be granted:

- a foreigner who is a minor child who stays on the territory of the Republic of Poland on the basis of:
 - national visa or
 - temporary residence permits,
- if the child was born within the period of validity of this national visa or temporary residence permit,
- a foreigner who gave birth to a child:
 - has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
 - has a stable and regular income source to cover maintenance costs (PLN 701 per month for a single person and PLN 529 for each of the members of the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries).
 - has a place of residence in Poland.

C. Foreigners who lead family life

Temporary residence permits can be granted:

- to a foreigner who runs a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on November 4, 1950 (Journal of Laws of 1993, item 284, as amended), residing in the territory of the Republic of Poland:
 - is a Polish citizen or;
 - a citizen of another European Union Member State,
 - Member State of the European Free Trade Association (EFTA) - parties to the Agreement on the European Economic Area (EEA) or
 - Swiss Confederation,
- with the person whom he/she is staying together in this territory,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit:

- has a permanent residence permit or a long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter this territory issued for the purpose referred to in art. 60 par. 1 point 23 (humanitarian stay, or for reasons of public interest, or international obligations), or;
- stays on the territory of the Republic of Poland on the basis of a temporary residence permit, granted in cases referred to in art. 181 par. 1 (short-term stay), or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland, or;
- is applying for international protection or for asylum, or;
- is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return, and the period of voluntary return specified in the decision obliging the foreigner to return has not yet expired, also in the case of extension of this deadline, or;
- he/she is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant temporary, permanent and resident's and other forms of legalization, including withdrawal of consent for humanitarian stay), or;
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him/her or on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances that constitute the basis for applying for this permit do not justify his/her stay on the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular humanitarian or international obligations and the interests of the State making such entry have been taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;

- being subject to the treatment obligation, he/she does not consent to this treatment, but this does not apply to the case of the next permit, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally (does not apply to a foreigner specified in point 3.I.B of the procedure, if the illegal stay would be the sole reason for refusal of authorization)
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

IV. Withdrawal of the permit

- on basis analogous to those described in point 3.IV of Subchapter II.

V. Expiration of the permit

- on basis analogous to those described in point 3.V of Subchapter II.

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on granting permission for family members of Polish citizens or citizens of other countries benefiting from the free movement of persons, or in connection with the use of family life.

VII. The period of authorization

- for foreigners, referred to in point 3.I.A and C of the procedure - period necessary to achieve the purpose of stay, maximum 3 years;
- for foreigners referred to in point 3.I. B procedures - until the date on which the date of the validation or stay of the temporary guardian of a minor child expires.

VIII. Permissions

- access to the labour market - yes, but on the basis of a work permit (see procedure: permit for temporary residence and work) - concerns a foreigner referred to in point 3.I. A and C procedures.
- the right to run a business - yes, only in the form of a limited partnership, joint-limited partnership, limited liability company and joint-stock company, as well as to join such companies and take or acquire their shares or stock, unless they are Americans. Then they are entitled to the freedom of economic activity in the form provided for citizens of the Republic of Poland.

IX. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- for a foreigner defined in point 3.IA of the procedure: documents confirming kinship, birth certificate and marriage certificate of parents, birth or marriage records of further relatives, other family documents confirming a family relationship - shortened copies issued by the Polish Civil Registry Office (USC) or in case of further acts indigenous acts translated for the Polish language by a sworn translator; documents proving financial dependency, medical documentation regarding health reasons, confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income earned from the employer, PIT-37, PIT-36 in the case of economic operators including, financial documents of companies, etc., residence permits of the foreigner with whom the merger is effected, and a photocopy of the residence card, a photocopy of the identity card of the Polish citizen;

- for a foreigner defined in point 3.IB of the procedure: a child's birth certificate issued by the Polish Civil Registry Office, based on a certificate issued by the child's birth hospital, a passport of a parent, photocopy of a residence permit or a residence card of a parent, confirmation of having a health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income earned from the employer, PIT-37, PIT-36 in the case of entrepreneurs, financial documents of companies, etc., confirmation of registration and document with the legal title to the premises in which the parent lives;
- for foreigners specified in point 3.IC procedures - documents confirming kinship, birth certificate and marriage certificate of parents, birth or marriage records of further relatives, other family documents confirming consanguinity - shortened copies issued by the Polish Civil Registry Office (USC) or in case of further acts indigenous acts translated for the Polish language by a sworn translator, documentation confirming family life, e.g. letters, e-mails, joint photos, confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of economic entities, financial documents of companies, etc., foreigners residence decisions with which a merger is effected, and a photocopy of the residence card
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- see section 3.IX of Subchapter I.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- In the procedure for granting a temporary residence permit to a foreigner referred to in paragraph 3.IC of the procedure, the authority that conducts the proceedings determines in particular whether the foreigner's relationship with a Polish citizen or a citizen of another European Union Member State, member of the European Free Trade Association (EFTA) - parties to the European Economic Area Agreement or the Swiss Confederation are real and permanent.
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days).
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland (does not apply to a child born on the territory of the Republic of Poland)
- if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the date of the final decision

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the sole basis for the stay, the trip may take place after the period of stay provided for by law on another basis (e.g. visa-free travel, Schengen visa);
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Location of a foreign act in Polish civil status books (if applicable).
2. Obtaining the necessary documents.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Applying for a temporary stay in connection with being a family member of a Polish citizen or a citizen of another country enjoying the free movement of persons, or in connection with running family life.
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
5. The decision is issued by the office.
6. Getting a residence card.

Subsection V. PROCEDURE FOR TEMPORARY RESEARCH IN CONNECTION WITH FAMILY REUNIFICATION STAYING IN POLAND

1. Entities covered by a statutory autonomous permit (temporary residence in connection with family reunification in a situation of long-term stay in Poland (Article 161 of the Act on foreigners))

Third-country nationals whose purpose of stay is:

- being in Poland as a family member - a spouse of a foreigner who is entitled to join the family,
- being in Poland as a family member - an adult or minor foreigner entitled to join the family,
- being in Poland as a former member of the family of a foreigner entitled to join the family in the event of divorce, separation, orphanhood or widowhood.

Obtaining this stay allows the stay of a foreigner to become independent of the residence rights of a member of his family with whom he/she had previously joined. The stay becomes independent and independent of the fate of his relative's stay.

2. Definitions relevant to the procedure

- marriage - see section 2 of Subchapter I.
- child - a person who has a biological or legal bond based on adoption with their parents.
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- of adulthood / adult - a person who is 18 or older than 16 years of age has obtained the court's consent to the marriage and has been empowered.
- foreigners staying in Poland entitled to join the family - foreigners with the right to stay in Poland on the following legal grounds:
 - permanent residence - has a permanent residence permit (a),
 - EU residency - has a long-term resident's EU residence permit (b),
 - refugee - has a refugee status granted in the Republic of Poland (c)
 - subsidiary protection – he/she was granted subsidiary protection in the Republic of Poland (d)
 - temporary stay - has a temporary stay on the territory of the Republic of Poland for at least two years, granted at least two consecutive decisions, of which at least once for a period of minimum 12 months (in the period preceding the submission of the application) (e)
 - scientist - has a temporary residence permit in connection with scientific research or stay of a researcher (Article 151 of the Act on foreigners) (f)
 - a researcher using mobility - has a temporary residence permit granted for the purpose of conducting scientific research, when the foreigner has a residence permit referred to in art. 1 point 2 lit. a Council Regulation No. 1030/2002, endorsed by a "scientist", issued by another Member State of the European Union, if the agreement on admitting a foreigner for the purpose of carrying out a research project concluded with the relevant scientific unit of that state provides for scientific research also on the territory of the Republic of Poland (g)
 - EU blue card - has a temporary stay in order to work in a highly qualified job (h)
 - intra-corporate transfer - has a temporary residence permit to perform work as part of an intra-corporate transfer (i)
 - long-term mobility - has a temporary stay in order to benefit from long-term mobility (j)
 - humanitarian stay - has permission for humanitarian stays in Poland (k)

3. Conditions for the granting of a temporary residence permit in connection with the continuation of stay in Poland for family - an independent stay

I. General conditions of the permit

Categories of eligible foreigners:

A. The spouse of a foreigner entitled to join the family

- The foreigner is married to a foreigner residing in the Republic of Poland on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit,
 - refugee status,
 - to have subsidiary protection,
 - temporary stay for at least two years, granted one after another, but immediately before submitting the application by the spouse for a period of minimum 12 months,
 - temporary stay for a researcher conducting research or development (Article 151 of the Act on Foreigners)
 - temporary stay of a researcher using scientific mobility
 - permission to stay for humanitarian reasons
 - stays on the territory of the Republic of Poland for at least 5 years on the basis of temporary residence permits in order to merge with family,
 - has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
 - has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
 - has a place of residence in Poland.
- The foreigner is married to a foreigner residing in the Republic of Poland on the basis of:
 - Temporary residence permit and work in a profession requiring high qualifications - Blue EU Card
 - stays on the territory of the Republic of Poland or the territory of another European Union country for at least 5 years on the basis of temporary residence permits in order to merge with family
 - the 5-year period of stay on the territory of the Republic of Poland includes:
 - the total period of legal stay on the territory of the European Union, if the foreigner has resided legally and continuously in this territory for at least 5 years on the basis of a residence permit issued by a Member State of the European Union authorizing the connection with the family of a foreigner holding a residence card with an annotation "Blue EU Card",
 - including on the territory of the Republic of Poland - at least for two years directly prior to submitting the application on the basis of a residence permit authorizing the connection to the family of a foreigner holding a residence card with the annotation "EU Blue Card".
 - has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
 - has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
 - has a place of residence in Poland.

B. An adult child of a foreigner entitled to join the family

- The foreigner is an adult child of a foreigner residing in the Republic of Poland on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit,
 - refugee status,
 - to have subsidiary protection,
 - temporary stay for at least two years, granted one after another, but immediately before submission of an application by an adult for a period of minimum 12 months,
 - temporary stay for a researcher conducting research or development (Article 151 of the Act on foreigners)
 - temporary stay of a researcher using scientific mobility
 - permission to stay for humanitarian reasons
- stays on the territory of the Republic of Poland for at least 5 years on the basis of temporary residence permits in order to merge with family,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
- has a place of residence in Poland.
- The foreigner is an adult child of a foreigner residing in the Republic of Poland on the basis of:
 - Temporary residence permit and work in a profession requiring high qualifications - Blue EU Card
- stays on the territory of the Republic of Poland or the territory of another European Union country for at least 5 years on the basis of temporary residence permits in order to merge with family
- the 5-year period of stay on the territory of the Republic of Poland includes:
 - the total period of legal stay on the territory of the European Union, if the foreigner has resided legally and continuously in this territory for at least 5 years on the basis of a residence permit issued by a Member State of the European Union authorizing the connection with the family of a foreigner holding a residence card with an annotation "Blue EU Card",
 - including on the territory of the Republic of Poland - at least for two years immediately before submission of the application on the basis of a residence permit authorizing the connection to the family of a foreigner holding a residence card with the annotation "Blue EU Card".
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
- has a place of residence in Poland.

C. Foreigners continuing their stay despite the end of family ties

Temporary residence permits are granted:

- a foreigner who stays on the territory of the Republic of Poland in connection with the family and speaks for
for this foreigner's important interest in the case of:

- divorce, separation or bereavement of this foreigner, if he/she remained in a marriage recognized by Poland with a foreigner entitled to be connected to his family (see definitions),
- the death of his/her parent, who is a foreigner, residing in Poland and entitled to connecting with family (see definitions),
- the death of his/her minor child who was granted refugee status or subsidiary protection.

Fulfilling the financial criterion - meeting the requirement of having a stable and regular income source may consist in providing such a source by a legally obliged person to maintain a foreigner who resides in the territory of the Republic of Poland. Note: the obligation to bear the maintenance costs arises from maintenance obligations (see definition - point 2 of Subchapter II in Chapter II). If, in addition to foreigners entitled to join, who do not meet the financial criterion in Poland, another family member lives, who may cover these costs and is obliged to pay maintenance but is not entitled to family reunification, his/her declaration of living expenses of the arriving foreigner must be recognized.

II. Refusal to initiate proceedings:

- A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit on premises analogous to those listed in point 3.II of Subchapter IV

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances that constitute the basis for applying for this permit do not justify his/her stay on the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular humanitarian or international obligations and the interests of the State making such entry have been taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;
- he/she is in arrears with paying taxes, except for cases when he/she obtained the legally made exemption, postponement, spread overdue payments into instalments or suspension in full of the execution of the decision of the competent authority, or;
- did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;
- being subject to the treatment obligation, he/she does not consent to this treatment, but this does not apply to the case of the next permit, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally.
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days of the cessation of the reason for granting a temporary residence permit if the application for granting another

if he/she submitted a temporary residence permit within one year of the expiry of the period of validity of the preceding permit or from the day on which the decision on withdrawal of the temporary residence permit became final. Withdrawal of the permit

IV. Withdrawal of the permit

- on the basis of premises analogous to those listed in point 3.IV of Subchapter II

V. Expiration of the permit

- on the basis of premises analogous to those listed in point 3.V of Subchapter II

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on granting permission for family members who continue their stay in connection with the family relationship

VII. The period of authorization

- for foreigners, referred to in point 3.I.A and B of the procedure - the period necessary to achieve the purpose of stay, a maximum of 3 years,
- for foreigners referred to in point 3.I. C procedures - once for a period of 3 years.

VIII. Permissions

- access to the labour market - yes, without authorization - concerns a foreigner referred to in point 3.I.C procedures, yes, but on the basis of a work permit - in the case of foreigners referred to in point 3.I.A and B of the procedure - note: The Act on the Promotion of Employment and Labour Market Institutions contains a gap that discriminates against spouses of foreigners staying for temporary stays in connection with family reunification. While they are allowed to work on these permits, they can work without a permit, but there is no such exemption in relation to a temporary stay acquired after five years.
- the right to run a business - yes, only in the form of a limited partnership, limited joint-stock partnership, limited liability company and joint-stock company, as well as to join such companies and acquire or acquire their shares or stock, unless they are Americans. Then they are entitled to the freedom of economic activity in the form provided for citizens of the Republic of Poland.

IX. Required documents:

- completed application for a temporary residence permit;
- confirmation of payment of stamp duty from the application;
- for a foreigner defined in item 3.IA of the procedure: marriage certificate issued by the Polish Civil Registry Office (USC) - copies of residence permits related to a temporary stay in connection with family reunification (including foreign ones from other EU countries for Blue EU Cards), confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of entrepreneurs, financial documents of companies, etc., confirmation registration and a document with the legal title to the place where the spouse lives, a photocopy of the residence card;
- for a foreigner specified in point 3.IB of the procedure: child's birth certificate issued by the Polish Civil Registry Office, photocopy of residence decisions related to a temporary stay in connection with family reunification (including foreign ones from other EU countries for Blue EU Cards), confirmation of insurance health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of entrepreneurs, financial documents of companies, etc., confirmation of registration and a document with a legal title to the place where the child lives, a photocopy of the residence card;

- for the foreigner specified in point 3.I.C procedures - documents confirming the event being the basis for applying for a stay - death certificate, divorce or separation ruling, previous foreigner residence decisions related to family reunification and photocopy of the residence card;
- photocopy of all pages of the foreigner's passport and 4 passport photographs.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application must be submitted at the latest on the last day of legal residence in Poland.
- if the application is submitted on time and there is no need to fill in the formal deficiencies, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of residence. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Obtaining the necessary documents.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Submitting an application for a temporary stay in connection with the continuation of the stay of a foreigner staying in Poland in connection with a family reunification
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
4. The decision is issued by the office.
5. Getting a residence card.

SUBPART VI. PROCEDURE FOR OBTAINING A TEMPORARY RESIDENCE IN CONNECTION WITH FAMILY LIFE AND CHILDREN'S RIGHTS

1. Entities covered by a statutory permit (optional) (temporary residence in Poland related to respect for family life and children's rights (Article 187, paragraph 1, points 6 and 7 of the Act on foreigners))

Third-country nationals staying illegally in Poland and whose stay is necessary due to:

- respect for family life,
- respect for children's rights.

2. Definitions relevant to the procedure

- administrative recognition - see point 2 of Subchapter II in Chapter II.
- marriage - see section 2 of Subchapter I.
- child - a person who has a biological or legal bond based on adoption with their parents.
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- family member - descendant, introductory or relative in the side line without restrictions, affinity (relative of the spouse).
- minor - a person who is under 18 years of age.
- family life - see point 2 of Subchapter IV.
- Maintenance obligation - see point 2 of Subchapter II in Chapter II.
- children's rights - the rights specified in the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989 (Journal of Laws from 1991, item 526), including the right to be brought up in safe and hygienic conditions, the right to bond with parents, the right to education, the right to identity, freedom from exploitation, freedom from violence and other forms of exploitation, etc.

3. Conditions for granting a temporary residence permit in respect of family life and children's rights

I. General conditions of the permit

Foreigner:

- He/she stays in Poland illegally,
- His/her stay is necessary due to the need to respect the right to family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on November 4, 1950,
- His/her departure from the territory of the Republic of Poland would violate the rights of the child, specified in the Convention on the Rights of the Child, to a degree that significantly threatens his psychological and physical development.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit on grounds analogous to those described in point 3.II of Subchapter I.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances that constitute the basis for applying for this permit do not justify his/her stay on the

territory of the Republic of Poland for a period longer than 3 months, or;

- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- at least one of the following occurred:
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or which was used as authentic, or;

V. Expiration of the permit

- on the basis of premises analogous to those listed in point 3.V of Subchapter II

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on the legal basis for the authorization.

VII. The period of authorization

- the period necessary to achieve the purpose of the stay not longer than 3 years.

VIII. Permissions

- access to the labour market - yes, with a work permit, in the case of a minor - from the age of 16 (without a work permit, if he/she graduated from a Polish secondary school).
- the right to run a business - yes, only in the form of a limited partnership, limited joint-stock partnership, limited liability company and joint-stock company, as well as to join such companies and receive or acquire their shares or stock, unless they are Americans. Then they are entitled to the freedom of economic activity in the form provided for citizens of the Republic of Poland).

IX. Required documents:

- completed application for a temporary residence permit;
- confirmation of payment of stamp duty from the application;
- confirmation of family relationships or kinship (testimony, documents of marital status, marriage certificates, death, births);

- confirmation of family life (environmental interview, private documents, photos, property documents, etc.);
- certificate from a psychologist (in the case of minors), pedagogical and psychological opinion, etc.;
- photocopy of all pages of the passport and 4 passport photographs. Procedure for locating a foreign act in Polish civil status books
- see section 3.IX of Subchapter I.

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application may be submitted at any time, but only during an illegal stay in Poland,
- if the application is submitted on time and there is no need to supplement the formal defects of the application, the foreigner receives a stamp confirming the legality of his stay - the stay is legal from the day of submission of the application to the final decision.

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa).
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Obtaining the necessary documents.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Applying for a temporary residence due to respect for family life or children's rights:
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
4. The decision is issued by the office.
5. Getting a residence card.

CHAPTER IV.

OTHER GROUNDS FOR TEMPORARY RESIDENCE IN POLAND

Sub-chapter I. SHORT-TERM STAY

1. Entities covered by a statutory authorization (short-term temporary residence (Article 181 of the Act on foreigners)

Third-country nationals whose purpose of stay is:

- a short-term stay in Poland motivated by their unique personal situation, the need to appear before a Polish public authority, or due to the interest of the Republic of Poland.

2. Conditions for granting temporary residence permit due to circumstances requiring short-term stay

I. General conditions of the permit

Permanent residence permits due to circumstances requiring a short-term stay of a foreigner on the territory of the Republic of Poland may be granted to a foreigner who stays in that territory if:

- He/she is obliged to appear in person before a Polish public authority (e.g. an office, a Polish or administrative court, police, prosecutor's office, the National Labour Inspectorate, self-government bodies, etc.) (a) or;
- the presence of a foreigner on the territory of the Republic of Poland is required by his/her exceptional personal situation (e.g. the need to complete studies, prepare for a marriage, caring for a seriously ill relative, treatment and rehabilitation after an accident) (b), or;
- the presence of a foreigner on the territory of the Republic of Poland requires the interest of the Republic of Poland (e.g. a ban on leaving the country in connection with criminal proceedings has been issued, the foreigner is a witness in a criminal or administrative case, etc.) (c).

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit when, on the day of submission of the application for granting this permit:

- has a permanent residence permit or a long-term resident's EU residence permit or;
- stays on the territory of the Republic of Poland on the basis of consent for tolerated stay or consent for stay on humanitarian grounds or in connection with granting him/her asylum, subsidiary protection or temporary protection or granting him/her refugee status in the Republic of Poland, or;
- applying for international protection or for asylum, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (30 days from the decision on refusal to grant a temporary, permanent, resident's permit and other forms of legalization, including withdrawal of consent for humanitarian stay),
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him/her or on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or;
- circumstances that form the basis for applying for this permit do not justify his/her stay in the territory of the Republic of Poland, or;

- his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular, humanitarian or international obligations and the interests of the State making such entry have been taken into account, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer meets the requirements of granting him/her a temporary residence permit due to the declared purpose of stay,
- at least one of the following occurred:
 - his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular, humanitarian considerations or obligations arising from international obligations, and the interests of the State making such entry have been taken into account, or;
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or

V. Form and content of the decision

- the content of the decision: period of validity of the permit, information on the authorization due to the circumstance of those who require a short stay

VI. The period of authorization

- necessary for the stay, not longer than 6 months.
- it may be extended if the circumstances justifying the stay are still in progress, by granting another short-term stay permit.
- However, granting this permit does not allow him or her to obtain temporary stay based on other legal grounds. Having this permit allows, however, for permanent residence for persons who are of Polish origin.

VII. Permissions

- access to the labour market - no
- the right to run a business - yes, only in the form of a limited partnership, limited joint-stock partnership, limited liability company and joint-stock company, as well as to join

companies and take or acquire their shares or stock, unless they are Americans. Then they are entitled to the freedom of economic activity in the form provided for citizens of the Republic of Poland.

- restriction of entitlements - compatible with a short-term stay, it makes it impossible to obtain a temporary or permanent residence permit or a long-term EU residence permit without first leaving the country, unless a person of Polish origin intends to settle in Poland.

VIII. Required documents:

- completed application for a temporary residence permit;
- documents confirming circumstances justifying a short stay (e.g. a certificate from the university, official summons, evidence of filing an action in a Polish court, a plan of hearings, resolutions of Polish courts, etc.);
- photocopy of all pages of the foreigner's passport (unless the foreigner has no passport and cannot obtain it - he/she can then present another identity document) and 4 passport photos.

IX. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - foreigners referred to in point 2.I. a and c procedures - PLN 85, foreigners referred to in point 2.I.b of the procedure - PLN 340.

X. Deadlines

- the application may be submitted at any time, also during an illegal stay in Poland and after the non-final decision to oblige the foreigner to return.
- in the case of submitting the application - the stay is legal from the day of submission of the application to the day of issuing the final decision.
- in the course of the proceedings, the decision on the obligation to return is not enforceable, and after granting permission for temporary stay is subject to revocation, and the procedure of discontinuance.

XI. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

Xii. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of stay.
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.
- if the foreigner has been issued a decision on the obligation to return and it became final before the refusal was issued - the trip must take place within the deadline specified in the decision on the obligation to return.

Procedure

1. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
2. Submission of a short-term temporary residence permit:
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
3. The decision is issued by the office.
4. Getting a residence card.

Subchapter II. Temporary residence in Poland of long-term residents of the European Union from other countries

1. Entities covered by statutory authorization (obligatory) (temporary residence in Poland of long-term EU residents from other Member States and their families (Article 186 (1) (3) and (4) of the Act on foreigners)

Third-country nationals whose purpose of stay is:

- living, working, doing business or studying and training in Poland as long-term residents of the EU from other Member States;
- staying in Poland with a long-term EU resident of other Member States who works in Poland, earns, studies, receives education or trains or resides here for another reason.

2. Definitions relevant to the procedure

- long-term EU resident of another Member State - a third-country national who has been granted long-term EU resident status in another EU country (permanent residence, perpetual)
- marriage - see point 2 of Subchapter I in Chapter III.
- child - a person who has a biological or legal bond based on adoption (parenting) with parents.
- minor - a person who is under 18 years of age.
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- a family member within the meaning of the provisions on the right to family reunification (Article 159 (3) of the Act on foreigners) - a foreign national who belongs to one of the following categories of persons:
 - spouse - is a person remaining with a foreigner in a marriage which is recognized by Polish law;
 - a minor child, including an adopted foreigner and a person being married to him/her, recognized by Polish law (joint condition);
 - a minor child, including an adopted foreigner who is dependent on him/her and over whom he/she exercises actual parental authority;
 - a minor child, including an adopted spouse, who is dependent on him/her and over whom he/she exercises actual parental authority.
 - relative in a straight family line (parent, grandfather/grandmother, great-grandfather/great-grandmother, etc.) or an adult person responsible for a minor in accordance with Polish law of a minor who has been granted refugee status or subsidiary protection and who stays in Poland unaccompanied.
- Maintenance obligation - see point 2 in Subsection I of Chapter II.

3. Conditions for granting temporary residence permit in connection with facilitating the migration and work of persons on the basis of separate international agreements.

I. General conditions of permit.

Categories of eligible foreigners

A. Resident of another EU Member State.

Foreigner:

- has the permission of another Member State for residence as a long-term resident of the European Union,
- intends to carry out work or conduct business in the territory of the Republic of Poland on the

basis of regulations in force in this area in this territory or;

- intends to take up or continue professional or vocational training in the territory of the Republic of Poland, or;
- demonstrates that other circumstances exist that justify his/her being resident in the territory of the Republic of Poland,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
- has a place of residence in Poland.

Fulfil the financial criterion - meeting the requirement of having a stable and regular income source may consist in providing such a source by the foreigner or another person legally obliged to maintain a foreigner who resides in the territory of the Republic of Poland. Attention: the obligation to pay maintenance costs arises from maintenance obligations (see definition). If, apart from foreigners entitled to join, who do not meet the financial criterion in Poland, another family member lives, who may cover these costs, is obliged to alimentionation, but is not entitled to a family connection, his/her declaration of living expenses of the foreigner arriving must be recognized by the authority.

B. Long-term EU resident family from another Member State

Foreigner:

- is a member of a foreigner's family - a long-term EU resident from another Member State who resides in Poland within the meaning of the provisions on family reunification,
- he/she was staying with a foreigner on the territory of another Member State, accompanying him/her during his stay in Poland or wanting to connect with him/her,
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a source of stable and regular income sufficient to cover maintenance costs (PLN 701 per month for an individual and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, 2,500 PLN for other countries).
- has a place of residence in Poland.

Fulfilling the financial criterion - see point 3.I.A

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a temporary residence permit on grounds analogous to those described in point 3.II of Subchapter I in Chapter III.

III. Refusal of authorization

- he does not meet the requirements of granting him/her temporary residence permit because of the declared purpose of stay or/
- circumstances that constitute the basis for applying for this permit do not justify his/her stay on the territory of the Republic of Poland for a period longer than 3 months, or;
- the entry of the foreigner's data to the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is obligatory, or;
- his/her data is in the Schengen Information System for the purposes of refusal of entry, unless there are serious reasons justifying the granting of this authorization, and in particular humanitarian or international obligations and the interests of the State making such entry have been taken into account, or;

- it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- being subject to the treatment obligation, he/she does not consent to this treatment, but this does not apply to the case of the next permit, or;
- filed an application during an illegal stay on the territory of the Republic of Poland or stays in this territory illegally
- A foreigner may be refused another temporary residence permit in the case of:
 - failure to notify the Governor within 15 working days about the cessation of the reason for granting a temporary residence permit, if the application for granting another temporary residence permit has been submitted within one year of the expiry of the period of validity of the preceding permit or from the date on which the decision to withdraw temporary residence permit has become final.

IV. Withdrawal of the permit

- the purpose of the stay which gave rise to the temporary residence permit ceased to exist, or;
- the foreigner no longer fulfils the requirements of granting him/her a temporary residence permit due to the declared purpose of stay, or;
- at least one of the following occurred:
 - It is obligatory to enter the foreigner's data in the list of foreigners whose stay is undesirable in the territory of the Republic of Poland.
 - it is required for reasons of national defence or security or for the protection of public safety and order or obligations resulting from the provisions of ratified international agreements binding on the Republic of Poland, or;
 - in the proceedings for granting him/her a temporary residence permit:
 - he/she has made an application containing false personal data or false information, or has attached documents containing such data or information, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
 - he/she is in default of paying taxes, except when he/she has obtained the exemption, deferral, spread into instalments of overdue payments or suspension in full of the decision of the competent authority, or;
 - did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget, or;

V. Expiration of the permit

- on the basis of premises analogous to those listed in point 3.V of Subchapter II
Form and content of the decision

VI. Form and content of the decision

- content of the decision: period of validity of the permit, information on the legal basis for the authorization.

VII. The period of authorization

- the period necessary to achieve the purpose of stay not longer than 3 years - for a foreigner referred to in point 3.I. A procedures.

- a period equal to the period of temporary residence permit granted to a foreigner - long-term EU resident of another Member State (until the expiry date) - for a foreigner referred to in point 3.I. B procedures.

VIII. Permissions

- access to the labour market - yes, without a work permit.
- the right to run a business - in accordance with the rules applicable to Polish citizens.

IX. Required documents

- completed application for a temporary residence permit,
- confirmation of payment of stamp duty from the application,
- for the foreigner specified in item 3.I.A of the procedure: residence card of a long-term EU resident of another state; confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income from the employer, PIT-37, PIT-36 in the case of economic entities, financial documents of companies, etc., confirmation of registration and a document with a legal title to the premises, a contract of employment, a contract for a specific task or order (if applicable), a decision on admission to studies, training or school, documents related to other reasons for staying in Poland,
- for the foreigner specified in item 3.I.B of the procedure: long-term resident's EU long-term resident's residence card; confirmation of having health insurance, confirmation of possessing financial means - bank statements, credit card, certificate of the amount of income earned from the employer, PIT-37, PIT-36 in the case of economic operators, financial documents of companies, etc., confirmation of registration and a document with a legal title to the flat, marriage certificate or birth certificate, photocopy of all pages of the passport and 4 passport photographs.
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- see item 3.IX of Subchapter I in Chapter III

X. Form of settling a case

- administrative decision, normally issued within a minimum of 60 days,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - Negative decision - refusal to issue a permit - a form of challenge - appeal to the Head of the Office for Foreigners (14 days);
- fee - for issuing a temporary residence permit stamp duty is PLN 340.

XI. Deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland,
- if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his/her stay - the stay is legal from the day of submission of the application to the date of the final decision

XII. Information duties

Notification by the voivode within 15 working days about the cessation of the reason for granting the permit.

XIII. Duties related to losing the basis of residence

- cessation of fulfilment of conditions or the expiration of the permit - departure from Poland on the last day of legal stay, informing the voivode within 15 days of ceasing to fulfil the conditions of stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by law on a different basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Location of a foreign act in Polish civil status books (if applicable).
2. Obtaining the necessary documents.
3. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
4. Submission of a temporary residence application for long-term EU residents and their families
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
5. The decision is issued by the office.
6. Getting a residence card.

CHAPTER V. PROCEDURES CONCERNING PERMANENT RESIDENCE IN POLAND

SUBSECTION. I. PROCEDURE FOR OBTAINING PERMANENT RESIDENCE IN POLAND

1. Entities covered by a statutory authorization (permanent residence in Poland)
(Article 195 of the Act on foreigners)

Citizens of third countries whose purpose of residence in Poland is to settle and belong to the following category of foreigners:

- minor - child of a foreigner with permanent residence or residence of a long-term EU resident or a child of a Polish citizen,
- Polish origin - a person of Polish descent or a person who has a Polish Card;
- marriage - a spouse of a Polish citizen,
- victim of human trafficking - a victim of human trafficking cooperating with law enforcement agencies and threatened by criminals,
- protected persons - refugees, persons covered by other forms of international protection and humanitarian residence or asylum.

2. Definitions relevant to the procedure

- marriage - see point 2 of Subchapter I in Chapter III.
- marriage for convenience - see item 2 of Subchapter I in Chapter III.
- legal obligations in marriage - the obligation to live, mutual help and fidelity, cooperation for the benefit of the family, the obligation to contribute according to their own strength to the needs of the family.
- divorce - see point 2 of Subchapter I in Chapter III.
- separation - see point 2 of Subchapter I in Chapter III.
- child - a person who has a biological or legal bond based on adoption with their parents.
- parent - biological father or biological mother, legal guardians who adopted the child as a result of adoption.
- Maintenance obligation - see point 2 of Subchapter I in Chapter II.
- minor - a person who is under 18 years of age.
- refugee - a person who has been granted refugee status on the territory of the Republic, in accordance with the Act on granting protection to foreigners in the territory of the Republic of Poland.
- subsidiary protection - legalization status and form of international protection granted in addition to persons who were refused refugee status due to lack of legal premises, and due to massive violations of human rights, threat to life or torture and the state of war, it cannot return to the country of origin.
- humanitarian stay - a type of permit for a legal stay in the territory of the Republic of Poland, ruled by a decision of the body obliged to control the legality of stay of foreigners in Poland. Before issuing the obligation to return, the body is obliged to check whether the return of the foreigner to the country of origin would not violate the rights set out in the European Convention on Human Rights and Fundamental Freedoms and the Convention on the Rights of the Child. If such a threat is found, the person is granted a humanitarian stay permit (see procedure - return obligation and return obligation).
- Tolerated stay - a type of permit for a legal stay on the territory of the Republic of Poland issued by a decision of the body obliged to control the legality of stay of foreigners in Poland. It is granted to persons whose rights laid down in the European Convention on Human Rights and Fundamental Freedoms may be endangered if they are returned to their country of origin, and at the same time they are not worthy of getting a humanitarian residence (e.g. pose a threat to the security of the country, commit a crime against humanity, etc). Such a stay is also granted to people who cannot be expelled due to

- reasons independent of the authority (e.g. stateless persons, persons of unknown nationality) or whose expulsion ban results from a court decision (see procedure - return obligation and return obligation),
- Asylum - a type of residence permit in which the state, taking into account the existing threat of the foreigner's basic rights, and bearing in mind the interests of the Republic of Poland, provides such a refuge to such a foreigner on the territory of Poland,
 - trafficking in people - recruitment, transport, delivery, transfer, storage or reception of a person using:
 - violence or unlawful threat (a),
 - abduction (b),
 - deception (c),
 - deception or exploitation of error or inability to properly understand the action taken (d),
 - abuse of a dependency relationship, use of a critical location or state of helplessness (e),
 - giving or accepting a property or personal benefit or his/her promise to a person who is caring or supervising another person (f),
 - in order to use him/her, even with his/her consent, in particular:
 - in prostitution, pornography or other forms of sexual abuse,
 - at work or services of a compulsory nature,
 - in begging, in slavery or other forms of exploitation degrading human dignity either
 - in order to obtain cells, tissues or organs against the provisions of the Act.
 - If the behaviour of the perpetrator concerns a minor, it is trafficking in human beings, even if the methods or measures listed in point 2.a-f have not been used.
 - slavery - is a state of dependence in which a person is treated as an object of property
 - Polish Card - a document issued by a consul or voivode of Podlasie to citizens of the former USSR republics who will show their connection with Poland or activities for the benefit of Poland (see procedure - Polish card and established Polish origin),
 - a person of Polish descent - a foreigner who declares Polish nationality and meets the following conditions jointly:
 - at least one of his parents or grandparents or two great-grandparents was of Polish nationality (this condition is deemed fulfilled if at least one of the parents or grandparents or two great-grandparents of the applicant confirmed his affiliation to the Polish Nation by, in particular, nurturing Polish traditions and customs);
 - will show his or her connection with Polish culture.
 - evidence of Polish origin - documents issued by the Polish state or church authorities, as well as by the authorities of the former Union of Soviet Socialist Republics, concerning the applicant or his parents, grandparents or great-grandparents, in particular:
 - Polish identity documents;
 - civil status records or their copies or baptism certificates confirming the relationship with Polish culture;
 - documents confirming the completion of military service in the Polish Army, containing an entry informing about Polish nationality;
 - documents confirming the fact of deportation or imprisonment, containing an entry informing about Polish nationality;
 - identity documents or other official documents containing an entry informing about Polish nationality;
 - other documents, in particular: on the rehabilitation of the deported person, containing an entry informing about its Polish nationality; confirming the persecution of a person due to its Polish origin.

- uninterrupted stay - stay of a foreigner on the territory of the Republic of Poland on the basis of visa or temporary stay, as well as consent for humanitarian stay or in connection with international protection, if none of the breaks in such stay was longer than 6 months and all breaks do not exceed they were 10 months in total in periods constituting the basis for granting a permanent residence permit, unless the break was caused by:
 - the foreigner's performance of professional duties or the performance of his work outside the territory of the Republic of Poland based on an agreement concluded with an employer whose registered office is on the territory of the Republic of Poland, or;
 - accompanying the foreigner referred to above by his or her spouse or minor child, or;
 - a special personal situation that requires the presence of a foreigner outside the territory of the Republic of Poland and lasted no longer than 6 months, or;
 - traveling outside the territory of the Republic of Poland in order to take up internships or participate in classes provided for during studies at a Polish university.
- intentional crime - an offense committed with the immediate intention or with any intention to do so. This is the vast majority of crimes, because in the Polish penal code a person can unintentionally commit a crime only when the law so provides (rare case). The offense is committed with direct intent, when the perpetrator wants to commit it and achieve the assumed effect of his/her action or omission (e.g. he/she wants to kill someone and uses appropriate methods to do so). The offense is committed with intent if the perpetrator, while attacking the legal party, does not want to achieve the typical effect associated with it, however, agrees that this effect may be the result of such action (e.g. the perpetrator does not want to kill someone, but beats him/her so strongly that it gives him/her lethal injuries - it is assumed that using such certain force the perpetrator should face penalty of a deadly effect).

3. Conditions for granting a permanent residence permit

I. General conditions of the permit

Categories of eligible foreigners:

A. Minor

Foreigner:

- is a child of a foreigner who has been granted a permanent residence permit or a long-term resident's EU residence permit,
- remains under the parental authority of a foreigner who has been granted a residence permit or long-term resident of the EU, and moreover:
 - he/she was born after granting this foreigner a permanent residence permit or a long-term resident's EU residence permit or;
 - he/she was born during the period of validity of a temporary residence permit granted to this foreigner or;
 - he/she was born during the stay of this foreigner on the territory of the Republic of Poland on the basis of a consent for stay on humanitarian grounds or a permit for tolerated stay, or in connection with granting him/her refugee status or granting subsidiary protection, or;
- is a child of a Polish citizen remaining under his/her parental authority.

B. People of Polish descent or associated with Poland

Foreigner:

- is a person of Polish descent and intends to settle permanently in the territory of the Republic of Poland,
- has a valid Polish Card and intends to settle permanently on the territory of the Republic of Poland.

C. Spouses

Foreigner:

- He/she remains in a marital relationship recognized by the law of the Republic of Poland with a Polish citizen and,
- He/she remained in that marriage for at least 3 years before the date on which he/she applied for a permanent residence permit, and,
- immediately before submission of this application he/she has been continuously in the territory of the Republic of Poland for a period not shorter than 2 years on the basis of:
 - temporary residence permit granted in connection with being married to this Polish citizen or;
 - in connection with obtaining refugee status, subsidiary protection or residence permit for humanitarian reasons.

D. Victims of human trafficking

Foreigner:

- is a victim of human trafficking within the meaning of art. 115 § 22 of the Penal Code (see definitions) and:
- he/she stayed on the territory of the Republic of Poland immediately before submitting an application for a permanent residence permit for a period of not less than one year on the basis of a temporary residence permit for victims of trafficking (see procedure - temporary residence for victims of trafficking),
- cooperated with law enforcement agencies in criminal proceedings in the offense referred to in art. 189a § 1 of the Criminal Code (see footnote number 5),
- has reasonable concerns about returning to his/her country of origin.

E. Persons covered by the protection status

Foreigner:

- immediately before submitting an application for a permanent residence permit he/she was staying continuously on the territory of the Republic of Poland for a period not shorter than:
 - 5 years in connection with granting him/her refugee status, granting subsidiary protection or on the basis of a residence permit for humanitarian reasons, or;
 - 10 years on the basis of consent for tolerated stay granted on the basis of art. 351 points 1 or 3 (inability to be expelled due to the threat of human rights or a ban issued by the Court), or;
- received asylum on the territory of the Republic of Poland

For periods of continuous residence to a foreigner staying on the territory of the Republic of Poland based on the granted refugee status or granted subsidiary protection, his/her period of stay in that territory during the procedure for granting international protection is counted, even if he/she was in a guarded Centre or in detention for foreigners during that period.

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings in the matter of granting a permanent residence permit when, on the day of submission of the application for granting this permit:

- If he/she resides in the territory of the Republic of Poland:
 - illegally or;
 - on the basis of a Schengen visa authorizing only to enter the territory of the Republic of Poland and stay in this territory issued for the purpose referred to in art. 60 par. 1 item 23 (entry visa for humanitarian purposes or due to Poland's interest or international obligations), or;

- on the basis of the permit referred to in art. 181 par. 1 (short-term stay), or;
- on the basis of a long-term resident's EU residence permit, or;
- he/she is detained, placed in a guarded Centre or in custody for foreigners or a preventive measure is applied to him/her in the form of a ban on leaving the country, or;
- he/she is imprisoned or temporarily arrested, or;
- he/she stays on the territory of the Republic of Poland after he/she has been obliged to return and the period of voluntary return specified in the decision in this case has not yet expired, also in the event of extension of this period, or;
- he/she is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 (decisions of refusal of or withdrawal of a residence permit, invalidating a visa, etc.), or;
- he/she resides outside the borders of the Republic of Poland.
- when submitting an application for granting this permission to him/her or on the day when he/she was summoned by a competent voivode he/she did not submit fingerprints in order to issue a residence card

Special provisions

- asylum - a foreigner who has been granted asylum applies only to the refusal of the fact that he/she is staying outside of Poland. All other reasons cannot constitute a refusal to initiate proceedings.
- minors - for children of foreigners with permanent residence or residence of a long-term EU resident, as well as children of Polish citizens, there is no requirement for illegal stay.
- Polish origin - a person who is of Polish origin and intends to settle on the territory of the Republic of Poland does not apply a refusal based on the possession of a short-term stay (Article 181 (1) of the Act on foreigners). If he or she is staying illegally, he/she should therefore apply for a temporary short-term stay and then apply for permanent residence after being granted it.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her a permanent residence permit, or;
- the foreigner's entry into the list of foreigners whose stay is on the territory of the Republic of Poland not covered by the data is included in the Schengen Information System for the purposes of refusal of entry, unless there were serious reasons justifying the granting of this permit, in particular humanitarian or international obligations and taking into account - the interests of the State making such entry have been respected, or;
- it is required for reasons of state defence or security or for the protection of public safety and order, or;
- this is required by the interest of the Republic of Poland or;
- the basis for applying for permission is his/her marriage with a Polish citizen, and the marriage was concluded or exists for convenience, or;
- in the proceedings for granting him/her a permanent residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- he/she is in arrears with paying taxes, except when he/she has obtained a legally exempted, deferred, rescheduled payment of instalments or suspension in full of the execution of the decision of the competent authority, or;
- he/she did not refund the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which were covered from the state budget.

Special provisions

- asylum - a foreigner who has been granted asylum applies only to the refusal of non-fulfilment of the conditions for granting permanent residence.

- Polish origin - to a person who is of Polish origin and intends to settle on the territory of the Republic of Poland, only refusals of non-compliance with the conditions for authorization, defence and security conditions and the premise of giving false testimony or documents (unreliability in the proceedings) apply.

IV. Withdrawal of the permit

- it is required for reasons of national defence or security or for the protection of public safety and order or;
- this is required by the interest of the Republic of Poland, or;
- in the proceedings for granting him/her a temporary residence permit:
 - he/she submitted an application containing false personal data or false information or combined documents containing such data or information to it, or;
 - he/she testified untruthfully or concealed the truth, or forged or reworked a document for use as authentic or was used as authentic, or;
- he/she was sentenced by a valid sentence in Poland for an offense of intentional punishment for at least 3 years imprisonment, or;
- he/she left the territory of Poland for a period exceeding 6 years.

Special provisions

- asylum - a foreigner who has asylum retains a permanent residence permit in the event of depriving him/her of asylum.
- marriage - a spouse of a Polish citizen may (but does not have to) withdraw the permit if the foreigner divorced within 2 years from the date on which he/she was granted a permanent residence permit.
- Polish origin - to a person who is of Polish origin and intends to settle on the territory of the Republic of Poland, only the conditions for withdrawal of the permit concerning safety and defence, unreliability of the proceedings (false documents, false information) and leaving Poland for a period of over 6 years apply.

V. Expiration of the permit

A temporary residence permit expires by law on:

- obtaining a long-term resident's EU residence permit by a foreigner or;
- Polish citizenship

VI. The period of authorization

- indefinite time

VII. Permissions

- access to the labour market - yes, without a work permit
- the right to run a business - in accordance with the rules applicable to Polish citizens.

VIII. Required documents:

- completed application for a permanent residence permit (in the case of a minor, the application is submitted by a statutory representative (parent) or guardian appointed by the Court),
- confirmation of payment of stamp duty from the application,
- documents confirming compliance with the conditions referred to in the general conditions of the permit for individual categories of foreigners. In the case of birth certificates, they should be short copies issued by the Polish registry office,
- photocopy of all pages of the passport and 4 passport photographs.

Procedure for locating a foreign act in Polish civil status books

- see item 3.IX of Subchapter I in Chapter III.

IX. Form of settling a case

- the administrative decision should normally be issued within a maximum of three months from the initiation of the proceedings,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - negative decision - refusal to issue a permit - form of challenge - appeal to the Head of the Office for Foreigners (14 days) - the appeal should be recognized within a maximum of 2 months from its impact;
- fee - for issuing a permanent residence permit stamp duty is PLN 640.
- the stamp duty is exempt from:
 - a member of the immediate family of the repatriate,
 - a foreigner who has been granted asylum,
 - the holder of the Polish Card, intending to settle in Poland permanently.

X. Deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland,
- if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his stay - the stay is legal from the day of submission of the application to the date of the final decision

XI. Duties related to losing the basis of residence

- cessation of fulfilment of conditions - departure from Poland on the last day of legal stay. If the validity of the permit is not the sole basis for the stay, the trip may take place after the period of stay provided for by the law on a different basis (e.g. visa-free travel, Schengen visa),
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision before the decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Obtaining the necessary documents.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Applying for permanent residence:
 - a) filling in the application, payment of fees and attaching the required documents
 - b) submission of fingerprints at the office
4. The decision is issued by the office.
5. Getting a residence card.

Subchapter II. PROCEDURE FOR OBTAINING A RESIDENCE PERMIT FOR LONG-TERM RESIDENCE
IN POLAND

1. Entities covered by a statutory authorization (residence of a long-term EU resident) (Article 211 of the Act on foreigners)

Third-country nationals whose purpose of residence in Poland is to settle and have a stable financial situation, adequate seniority on the territory of Poland or in other EU Member States, know Polish to a degree at least intermediate, and also reside continuously and legally in the territory of Poland for the periods required by law (5 years).

2. Definitions relevant to the procedure

- university graduate - a person who graduated from university at a Polish university and has obtained a professional title corresponding to the degree of study (bachelor, engineer, master, master engineer) or a degree,
- full-time studies - a form of higher education in which at least half of ETCS points are obtained during classes with direct participation of academic teachers or other persons conducting classes and students,
- higher studies - first-cycle studies, second-cycle studies or uniform master's studies conducted by a university authorized to run them;
- first-cycle studies - a form of education for which candidates with a secondary school-leaving certificate are admitted, ending with obtaining first-level qualifications - professional title of a learner, engineer or an equivalent specific field of study and education profile, confirmed by a relevant diploma;
- second-cycle studies - a form of education for which candidates with at least first-cycle qualifications are admitted, obtaining a second-cycle qualification - a master's degree, a master's degree in engineering or an equivalent degree of study and educational profile, confirmed by a relevant diploma;
- uniform master's studies - a form of education for which candidates with the right are accepted a secondary school-leaving certificate, ending in obtaining a second-cycle qualification;
- studies in doctoral schools - studies aimed at defence of a doctorate, conducted by an authorized organizational unit of a university, scientific institute of the Polish Academy of Sciences, a research institute or an international scientific institute operating on the territory of the Republic of Poland established on the basis of separate regulations to which candidates with qualifications are admitted second degree, ending in obtaining a third-level qualification
 - doctoral degree in a specific field of science in the field of science or art doctrine of a specific field of art in the field of artistic discipline, confirmed by a relevant diploma;
- a graduate of a Polish school - a person who graduated from a school:
 - basic, including: special, integration, with pre-school, integration, special, preparation for work, bilingual, sports and sports, sport and athletic championships,
 - post-basic, including: special, integration, bilingual, with integration, special, bilingual, sports and sports, sports, sport, agricultural, forestry, maritime, inland waterway and fishing,
 - artistic;
- uninterrupted stay - stay of a foreigner on the territory of the Republic of Poland for a period of at least five years on the principles set out below:
- the 5-year period of stay on the territory of the Republic of Poland includes:
 - the total period of legal stay on the territory of the European Union, if the foreigner has resided legally and continuously in this territory for at least 5 years on the basis of the issuance

- by the EU Member State of the residence permit - "EU Blue Card", including on the territory of the Republic of Poland - for at least two years immediately before submitting the application for long-term resident's EU residence permit on the basis of a temporary residence permit in order to work in the profession high qualifications;
- the entire period of stay on the territory of the Republic of Poland in the course of proceedings for granting international protection if it has exceeded 18 months;
 - half of the period of stay on the territory of the Republic of Poland - in the case of a foreign national staying on the territory of the Republic of Poland:
 - on the basis of a visa issued for the purpose referred to in art. 60 par. 1 point 9 or 10 of the Act on foreigners (visa for the purposes of study or vocational training), or;
 - on the basis of the permit referred to in art. 144 of the Act on Foreigners (temporary residence related to studies or a preparatory course) or art. 187 point 1 lit. b, (optional temporary residence related to vocational training) or;
 - in the course of proceedings for granting international protection (if it lasted less than 18 months).
 - until the 5-year period of stay on the territory of the Republic of Poland, the stay of a foreigner is not counted:
 - being an employee posted by the service provider for the cross-border provision of services or as a provider of cross-border services;
 - staying on the territory of the Republic of Poland on the basis of a Schengen visa authorizing only to enter the territory of the Republic of Poland and stay on this territory issued for the purpose referred to in art. 60 par. 1 point 23 (stay for humanitarian reasons, due to the interest of the Republic of Poland or international obligations);
 - during his/her education on the territory of the Republic of Poland;
 - who has been obliged to return and the period of voluntary return specified in the decision in this case has not yet expired, also in the case of extension of this period (the period from the decision on the obligation to return to its implementation is excluded, which means that the foreigner must re-register five years of stay);
 - who is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 (issuing a refusal decision in legalization procedures or withdrawal of the permit);
 - being a member of a diplomatic mission or consular office of a foreign state or another person equated with them on the basis of statutes, international agreements or generally established international customs;
 - referred to in art. 139a para. 1 of the Act on foreigners (employee transferred within the enterprise), art. 139o paragraph 1 (employee benefiting from long-term mobility) or art. 181 par. 1 (foreigner using a short-term stay);
 - in the course of proceedings for granting him/her international protection, if the proceedings ended with refusal to grant refugee status or subsidiary protection;
 - on the basis of the authorization to cross the border as part of local border traffic.
 - A foreigner staying in Poland for whom the basis for granting him/her a long-term resident's EU residence permit is considered as uninterrupted if none of the breaks in it:
 - was not longer than 6 months and all breaks did not exceed a total of 10 months in the required 5-year period in the case of a foreigner's stay on the territory of the Republic of Poland
 - was not longer than 12 months and all breaks did not exceed 18 months in total in the required 5-year period, if a foreigner holding a temporary residence permit is staying in the territory of another EU Member State in order to work in a highly skilled job (EU Blue Card)).

- Maximum admitted periods of absence in Poland are not considered as violated if the break was caused by:
 - the foreigner's performance of professional duties or the performance of his/her work outside the territory of the Republic of Poland based on an agreement concluded with an employer whose registered office is on the territory of the Republic of Poland, or;
 - accompanying the foreigner referred to above by his spouse or minor child, or;
 - a special personal situation that requires the presence of a foreigner outside the territory of the Republic of Poland and lasted no longer than 6 months, or;
 - traveling outside the territory of the Republic of Poland in order to take up internships or participate in classes provided for during studies at a Polish university.
- Maintenance obligation - see point 2 in Subsection I of Chapter II
- Humanitarian stay - see point 2 in Subsection I Chapter V
- Tolerated stay - see point 2 in Subchapter I of Chapter V
- Asylum - see point 2 in Subchapter I of Chapter V
- Temporary protection - a kind of international protection granted to foreigners on a massive crossing of borders as a result of a humanitarian crisis or a war, or a natural disaster, on the basis of a decision of the European Commission. Such protection does not have an individualized character - i.e., it concerns groups of persons, not individual units.

3. Conditions for issuing a residence permit for a long-term EU resident

I. General conditions of the permit

A foreigner stays on the territory of the Republic of Poland legally and continuously for at least 5 years immediately before submission of the application and meets the following conditions jointly

- has a source of stable and regular income sufficient to cover the costs of themselves and their dependent family members (PLN 701 per month for a single person and PLN 529 for each of the persons included in the family) and return (PLN 200 for neighbouring countries, PLN 500 for EU countries, PLN 2,500 for other countries)
- has health insurance or proof of coverage by the insurer of treatment costs on the territory of the Republic of Poland,
- has a proven knowledge of Polish, i.e. a graduate of a Polish university or a foreign university with a Polish language or general school or has a state certificate of language skills at level B1. The requirement to complete a primary school does not apply to a foreigner who is under 16 years of age.
- The foreigner had a source of stable and regular income before submitting an application for long-term resident's EU residence for at least two years if he/she was in the EU territory in connection with the possession of the EU Blue Card or for at least three years in other cases.
- has a place of residence.

Note: for foreigners holding an EU Blue Card, the income criterion required for holders of this type of permit (i.e. 150% of the average salary) applies (see the procedure for a temporary residence permit and a highly qualified job)

II. Refusal to initiate proceedings

A foreigner is refused to initiate proceedings on granting a residence permit for a long-term resident of the EU, when on the day of submission of the application for this permit:

- He/she resides in the territory of the Republic of Poland:
 - illegally or,

- on the basis of a Schengen visa authorizing only to enter the territory of the Republic of Poland and stay in this territory issued for the purpose referred to in art. 60 par. 1 item 23 (entry visa for humanitarian purposes or due to Poland's interest or international obligations), or;
- for study or vocational training,
- in connection with the intention of undertaking or continuing education on the territory of Poland,
- in connection with obtaining a residence permit for humanitarian reasons, tolerated stay, asylum or temporary protection,
- in connection with applying for international protection or asylum,
- on the basis of an authorization related to an intra-corporate transfer (Article 139a of the Act on foreigners) or a permit related to the use of long-term mobility (Article 139o of the Act on foreigners),
- on the basis of the permit referred to in art. 181 par. 1 (short-term stay), or;
- on the basis of a local border traffic permit,
- is an employee posted by the service provider for the cross-border provision of services or a service provider providing cross-border services, or;
- is detained, placed in a guarded Centre or in custody for foreigners or is subject to a preventive measure in the form of a ban on leaving the country, or;
- is imprisoned or temporarily arrested, or;
- stays on the territory of the Republic of Poland after he/she has been obliged to return and the period of voluntary return specified in the decision in this case has not yet expired, also in the event of extension of this period, or;
- is obliged to leave the territory of the Republic of Poland in cases referred to in art. 299 par. 6 of the Act on Foreigners (refusals or withdrawal of authorization), or;
- resides outside the borders of the Republic of Poland, or;
- when submitting an application for granting this permission to him/her or on the day when he/she was summoned by the competent voivode he/she did not submit fingerprints in order to issue a residence card.

III. Refusal of authorization

- He/she does not meet the requirements of granting him/her a long-term resident's EU residence permit, or;
- it is required by the defence or security of the state or the protection of public safety and order, however, this condition cannot include economic goals.

IV. Withdrawal of the permit

- the acquisition of the long-term resident's EU permit was illegal or;
- the foreigner constitutes a real and serious threat to the defence or security of the state or protection of public safety and order, which, however, does not include premises connected with the admission of the territory of the Republic of Poland for a period exceeding 6 years, or;
- he/she left the territory of the European Union for the following period:
 - 12 months or 24 months if he/she has a temporary residence permit in order to work in a highly qualified job or is a member of the foreigner's family who has such permission (EU Blue Card), or;
- He/she obtained a long-term resident's EU residence permit in the territory of another EU Member State, or;
- He/she was deprived of refugee status or subsidiary protection under the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, if the long-term resident's EU residence permit was granted in connection with the stay in this territory on the basis of refugee status or protection complementary.

V. Special provisions

In the proceedings regarding the withdrawal of a long-term resident's EU residence permit due to circumstances connected with a threat to the security and defence of the state or security and law enforcement, the following should be taken into account:

- the period of the foreigner's stay on the territory of the Republic of Poland;
- the age of the foreigner;
- relations of a foreigner with the Republic of Poland or lack of connections with the country of origin;
- consequences of the withdrawal of a permit for a foreigner and members of his family.

V. Expiration of the permit

A temporary residence permit expires by law on:

- Polish citizenship

VI. The period of authorization

- indefinite time

VII. Permissions

- access to the labour market - yes, without a work permit
- the right to run a business - in accordance with the rules applicable to Polish citizens.

VIII. Required documents:

- a completed application for a long-term resident's EU residence permit,
- confirmation of payment of stamp duty from the application,
- documents confirming fulfilment of the conditions referred to in the general conditions of the permit: documentation related to employment or professional activity, decisions on granting temporary residence permit and residence card, confirmation of registration, document confirming the right to dispose of the premises (this cannot be a lending agreement, unless that the borrowers are descendants, ascendants, spouses, spouses' parents or siblings of the foreigner), confirmation of having health insurance, photocopy of all pages of the passport and 4 passport photographs.
- photocopy of all pages of the passport and 4 passport photographs.

IX. Form of settling a case

- the administrative decision should normally be issued within a maximum of three months from the initiation of the proceedings,
- forms:
 - refusal to initiate, leaving the application without consideration - a form of challenge: an application to restore the deadline, complaint against the authority's inactivity (7 days from finding the deficiencies) + completing the missing formalities;
 - positive decision - issuing the permit;
 - negative decision - refusal to issue a permit - form of challenge - appeal to the Head of the Office for Foreigners (14 days) - the appeal should be recognized within a maximum of 2 months from its impact;
- fee - for issuing a permanent residence permit stamp duty is PLN 640.

X. Deadlines

- the application should be submitted at the latest on the last day of legal residence in Poland,
- if the application is submitted on time and there is no need to fill in the formal defects of the application, the foreigner receives a stamp confirming the legality of his stay - the stay is legal from the day of submission of the application to the date of the final decision

XI. Duties related to losing the basis of residence

- cessation of fulfilment of conditions - departure from Poland on the last day of legal stay. If the validity of the permit is not the only basis for the stay, the trip may take place after the period of stay provided for by the law on a different basis (e.g. visa-free travel, Schengen visa)
- in the event of a negative decision being issued or withdrawal of the permit - the trip must take place within 30 days of gaining the final decision, and if the decision became final due to dismissal of the appeal - 30 days from the date of delivery of the decision.

Procedure

1. Obtaining the necessary documents.
2. Confirmation of fulfilment of the conditions for granting permission and collecting documentation.
3. Applying for permanent residence:
 - a) filling in the application, payment of fees and attaching the required documents,
 - b) submission of fingerprints at the office,
4. The decision is issued by the office.
5. Getting a residence card.

CHAPTER VI. PROCEDURES RELATED TO CONFIRMING POLISH ORIGIN AND OBTAINING CITIZENSHIP

1. Polish Card

I. Conditions for issuing the Polish Card.

The Polish Card may be granted to a person who declares to belong to the Polish Nation and meets the following conditions jointly:

- demonstrates his/her relationship with Polish culture by at least a basic knowledge of Polish, which he/she considers to be his/her mother tongue, and knowledge and cultivation of Polish traditions and customs;
- in the presence of a consul of the Republic of Poland, hereinafter referred to as "the consul", or in the case referred to in art. 12 para. 4 of the Act on the Polish Card of the voivode (a Belarusian citizen staying in Poland), or an employee designated by him/her, will submit a written declaration of belonging to the Polish Nation;
- he/she will prove that he/she is of Polish nationality or at least one of his/her parents or grandparents or two great-grandparents was of Polish nationality, or;
- present a certificate of a Polish organisation or Polish community organization operating in one of the countries of the former Union of Soviet Socialist Republics (see below), confirming active involvement in activities for the benefit of Polish and Polish minority language and culture for at least the last three years;
- will declare that his or her ascendants have not been repatriated or repatriated from the territory of the Republic of Poland or the Polish People's Republic, based on repatriation agreements concluded in 1944-1957 by the Republic of Poland or by the Polish People's Republic with the Belarusian Soviet Socialist Republic, Ukrainian Socialist The Soviet Republic, the Lithuanian Soviet Socialist Republic and the Union of Soviet Socialist Republics, to one of the countries that are party to these agreements.

The Polish Card may be granted only to a person who, on the date of submission of the application for the issue of the Polish Card, is a citizen of:

- The Republic of Armenia,
- The Republic of Azerbaijan,
- The Republic of Belarus,
- The Republic of Estonia,
- Georgia
- The Republic of Kazakhstan,
- The Kyrgyz Republic,
- The Republic of Lithuania,
- The Republic of Latvia,
- The Republic of Moldova,
- Russian Federation,
- The Republic of Tajikistan,
- Turkmenistan,
- Ukraine or
- Republic of Uzbekistan
- or having stateless status in one of these countries.

The Polish Card may also be awarded to a person who is a citizen of one of the countries referred to above, whose Polish origin has been confirmed in accordance with the provisions of the Repatriation Act of 9 November 2000 (Journal of Laws of 2018, item 609) (see point 2 of the procedure), subject to proving

knowledge of the Polish language at least at the basic level. Provisions of art. 13 para. 7 and 8 shall apply accordingly.

The Polish card may be granted only to a person who does not have Polish citizenship or a permanent residence permit on the territory of the Republic of Poland.

Knowledge of the Polish language - The applicant applying for the Polish Card demonstrates having knowledge of the Polish language by:

- submission of the certificate referred to in art. 11a of the Act of 7 October 1999 on the Polish Language (Journal of Laws of 2018, item 931) 1,
- school or university graduation certificates in the Republic of Poland or;
- school-leave certificates from abroad with lecture-language Polish.

If the applicant cannot prove having a command of Polish in the mode of submission of a certificate or certificate, then the assessment of the knowledge of the Polish language is made during the consul's conversation, and in the case referred to in art. 12 para. 4 of the Law on the Pole - voivode (a citizen of Belarus residing in Poland).

II. The nature of the document

- The Polish Card is a document confirming membership in the Polish Nation.
- The Polish Card certifies entitlements resulting from this Act.

III. Rights of the Polish Card Holder

- The holder of the Polish Card is exempt from consular fees for accepting and examining the application for a national visa in order to use the rights resulting from having the Polish Card.
- The holder of the Polish Card is exempt from consular fees for accepting the application and preparing documentation in the matter of granting Polish citizenship.
- The holder of the Polish Card has the right to:
 - exemption from the obligation to have a work permit on the terms set out in the Act of 20 April 2004 on the promotion of employment and labour market institutions;
 - taking up and running a business under the same conditions as Polish citizens on the terms set out in the Act of March 6, 2018 - Entrepreneurs' Law and in the Act of March 6, 2018 on the Rules for the Participation of Foreign Entrepreneurs and Other Foreign Persons in Trading economic activity on the territory of the Republic of Poland;
 - undertake and conduct studies, doctoral studies and other forms of education as well as participate in scientific research and development works on the principles set out in the Act of 27 July 2005 - Law on Higher Education;
 - using forms of education on the principles set out in the Act of 14 December 2016 - Educational Law and the Act of 7 September 1991 on the education system;
 - use of emergency health care services, to the extent specified in the Act of 27 August 2004 on healthcare services financed from public funds, unless an international agreement to which the Republic of Poland is a party provides for more favourable rules;
 - 37% discounts when traveling on public collective rail transport services on passenger, express and express trains, on the basis of one-time tickets, under the terms of the Act of 20 June 1992 on entitlement to concessionary public transport journeys;

¹ The official certificate of knowledge of the Polish language as a foreign language is a certificate of knowledge of the Polish language, issued by the State Commission for the Confirmation of Knowledge of the Polish Language as a Foreign Language. The certificate certifies the knowledge of Polish as a foreign language at one of the following language proficiency levels:
 1) A1, A2, B1, B2, C1 and C2 - in a group adjusted to the needs of adults,
 2) A1, A2, B1 and B2 - in a group adapted to the needs of children and adolescents
 - where the level marked as A1 is the lowest certified level of proficiency and the level marked as C2 is the highest certified level of language proficiency.

- free admission to state museums;
- assistance by the consul, within his or her competences and with the application and observance of customs and international law in the event of a threat to life or safety.
- The holder of the Polish Card or a person who has been found to have Polish origin in accordance with the Repatriation Act, takes priority in applying for financial assistance granted to natural persons from the state budget or local self-government budgets allocated to support Poles abroad.
- The holder of the Polish Card who undertakes education retains the right to apply for scholarships and other assistance provided for foreigners in separate regulations.

Note: exercising the rights of the Polish Card holder requires showing it and an identity document.

IV. Limitations resulting from the Card

- Granting the Polish Card does not imply the acquisition of Polish citizenship or the recognition of a Polish origin within the meaning of separate provisions.
- The Polish Card is not a document authorizing to cross the border or to settle in the territory of the Republic of Poland.

V. The right to a monetary benefit to support integration

- A person who submits an application for a permanent residence permit with reference to the circumstance referred to in art. 195 par. 1 point 9 of the Act on foreigners (possession of the Polish Card) may apply for a cash benefit intended for:
 - partial coverage of development costs and
 - current maintenance in the Republic of Poland
- The cash benefit is granted for up to 9 months.
- An application for a cash benefit is submitted to the voivode to whom an application for a permanent residence permit has been submitted.
- The first application for a cash benefit is submitted within 3 months from the date of submission of the application for a permanent residence permit. The first application for a cash payment made after the expiry of that period shall not be examined.
- Another application for a cash benefit made by a person who has been awarded a cash benefit for a total period of 9 months is left undisclosed.
- The payment of cash benefits is made monthly by the starost indicated by the voivode in the decision granting a cash benefit as the place of residence on the territory of the Republic of Poland of a person entitled to a cash payment.
- an appeal against the Voivode's decision regarding granting or refusal to grant a benefit is submitted within 14 days of receipt of the decision to the Minister of Interior and Administration, via the voivode.
- The cash benefit is determined in the amount of:
 - during the first 3 months - the equivalent of 50% of the minimum remuneration for work in force in the year of submission of the application for a cash benefit - to the applicant and his/her spouse and the equivalent of 50% of that amount for each minor child who is under the parental authority of the applicant or his/her spouse;
 - in the period from the 4th to the 9th month - respectively 60% of the amounts specified above.
 - while determining the amount of the cash payment, only the members of the applicant's family who are staying with him/her in the territory of the Republic of Poland are included.
- the cash benefit is not payable to the person who was covered by this benefit as a member of the applicant's family, and then independently applied for a permanent residence permit.

- If the applicant or family members change their place of residence to other places on the territory of the Republic of Poland, the starost designated by the voivode in the decision awarding the cash benefit shall be competent to pay the benefit.
- If a decision to refuse a permanent residence permit is issued, the payment of the cash payment is suspended by law.
- In the event that the decision to refuse a permanent residence permit becomes final, the loss of a cash payment is legally enforceable.

VI. The procedure for issuing a Polish Card

- The granting of the Polish Card and extension of its validity shall take place by way of a decision, upon a written request, of the foreigner applying for its issue or extension, or his/her legal representative.
- The competent authority in the matter of granting the Polish Card or extending its validity is the consul competent for the place of residence of the applicant or in the case of Belarusian citizens, the voivode of Podlasie.
- activities performed in connection with the submission of an application for granting the Polish Card or extending its validity and issuing decisions in these matters shall be free of all charges, including consular fees.
- The applicant is required to present documents and other evidence confirming that the conditions for obtaining the Polish card have been met. Such evidence may include in particular:
 - Polish identity documents;
 - civil status records or their copies, baptism records, school certificates or other documents confirming the relationship with Polish culture;
 - documents confirming military service in Polish military formations;
 - documents confirming the fact of deportation or imprisonment, containing an entry informing about Polish origin;
 - documents on the rehabilitation of the deported person, including an entry informing about Polish origin;
 - foreign identity cards containing information about the Polish nationality of their holder;
 - a certificate of a Polish organisation or Polish community organization operating in one of the countries mentioned in point 1.I. procedures confirming active involvement in activities for the benefit of the language and culture of Polish or a Polish national minority;
 - a legally valid decision on the determination of Polish origin, issued in accordance with the provisions of the Repatriation Act.
- The applicant submits a copy of a valid document confirming his/her identity to the application for the Polish Card
- Polish Card for a minor: a minor is awarded a Polish Card at the request of his/her parents when: both parents have a Polish Card; one of the parents has a Polish Card - with the consent of the other parent expressed in a statement made before the consul or voivode. If a minor has become of legal age, the Polish Card is issued only with his/her consent.
- validity of the Polish Card:
 - The Polish Card is issued for 10 years. An application for its extension should be submitted at least 3 months before its expiry. The extension takes place for the next 10 years.
 - A Polish Card for a person who is 65 years old or older is issued for an indefinite period.
 - The Polish Card for a minor is issued for 10 years, but not longer than until the day on which a year passes after the minor has reached legal age (i.e. for a maximum period of up to 19 years of age). An application for its extension should be submitted at least 3 months before its expiry. The extension takes place for the next 10 years.

VII. Refusal to issue a Polish Card.

- the applicant does not meet the conditions entitling him/her to be issued a Polish Card, unless he/she is a person of particular merit for the Republic of Poland;
- in the proceedings for granting the Polish Card, the applicant submitted the application or attached documents containing false personal data or false information, as well as he/she declared untruth or concealed the truth or, for use as authentic, forged or modified a document or used a document as authentic ;
- the applicant or his pre-repatriates have been repatriated or repatriated from the territory of the Republic of Poland or the Polish People's Republic, based on repatriation agreements concluded in 1944-1957 by the Republic of Poland or by the Polish People's Republic with the Belarusian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic, Lithuania The Socialist Soviet Republic and the Union of Soviet Socialist Republics, to one of the states that are party to these agreements;
- the applicant has acquired Polish citizenship or obtained a permanent residence permit in the territory of the Republic of Poland;
- this is justified by the defence, security or protection of the public order of the Republic of Poland;
- the applicant acted to the detriment of the Republic of Poland, in particular its independence and sovereignty, or participated in or was involved in the violation of human rights.

VIII. Cancellation and loss of validity of the Polish Card

The Polish Card may be annulled if:

- after receiving the Polish Card, its holder behaves in a derogatory manner towards the Republic of Poland or Poles;
 - in the proceedings for granting the Polish Card, the applicant filed an application or attached documents containing false personal data or false information, as well as he/she declared untruth or concealed the truth or for use as genuine, forged or modified a document or used such a document;
 - this is justified by the defence, security or protection of the public order of the Republic of Poland;
- the applicant acted to the detriment of the Republic of Poland, in particular its independence and sovereignty, or participated in or was involved in the violation of human rights.

The Polish Card expires by operation of law if:

- the holder of the Polish Card has acquired Polish citizenship or has obtained a permanent residence permit in the territory of the Republic of Poland - on the day of issuing a document confirming the acquisition of Polish citizenship or obtaining a permanent residence permit.

In the case of annulment of the Polish Card, the holder of the Polish Card immediately returns the Polish Card to the Consul or the voivode who issued it.

IX. Appeal procedure.

- the appeal against the decision of the consul or voivode on the issue, refusal or annulment of the Pole's Charter shall be submitted to the Council for Poles in the East within days from the receipt of the decision, through the authority that issued the decision.

2. Determination of Polish origin

- A foreigner can receive a permanent residence in Poland if he/she intends to settle permanently in Poland and demonstrates his/her Polish origin.
- A person declaring Polish nationality and meeting all the following conditions is considered a person of Polish origin:
 - at least one of his/her parents or grandparents or two great-grandparents was a Polish national. This condition is considered to be fulfilled if at least one of the parents or

grandparents or two great-grandparents of the applicant confirmed their membership in the Polish Nation by, in particular, nurturing Polish traditions and customs

- he/she will show his/her connection with Polish culture.
- The decision on determining Polish origin is issued by the consul on the basis of the application of the applicant for a national visa for repatriation or applying for recognition as a repatriate, and in the case of a permanent residence applicant - the voivode in the foreigner's place of residence.
- A higher authority within the meaning of the Code of Administrative Procedure (appeal body) in matters concerning the determination of Polish origin is the minister competent for internal affairs, and in the matter of granting or refusal of a permanent residence permit - the Head of the Office for Foreigners.

Evidence proceedings

- Proof confirming Polish origin may be documents issued by:
 - Polish state authorities or;
 - Polish church authorities, as well as by;
 - the authorities of the former Union of Soviet Socialist Republics, on the applicant or his parents, grandparents or great-grandparents, and in particular:
 - Polish identity documents;
 - civil status records or their copies or baptism certificates confirming the relationship with Polish culture;
 - documents attesting to military service in the Polish Army, containing an entry informing of Polish nationality;
 - documents confirming the fact of deportation or imprisonment containing an entry informing of Polish nationality;
 - identity documents or other official documents containing an entry informing about Polish nationality;
 - proof of Polish origin may also be other documents, in particular:
 - on the rehabilitation of a deportee, containing an entry informing about his/her Polish nationality;
 - confirming the persecution of a person due to his/her Polish origin.

3. Obtaining Polish citizenship

I. Acquisition of Polish citizenship

- on the day of birth - if at least one of the parents is a Polish citizen (requires the consent of the other parent, unless he/she is deprived of parental authority,
- on the day of birth - if the parents of a minor who was born on the territory of the Republic of Poland are unknown, do not have citizenship or their citizenship cannot be determined,
- on the day of birth - in the case of a full adoption (total adoption), the minor acquires citizenship as if he/she had them from birth. If a minor has turned 16, this act requires his/her consent.

II. Granting Polish citizenship

- The President of the Republic of Poland may give a foreigner Polish citizenship.
- granting Polish citizenship takes place at the request of a foreigner and a minor at the request of his/her parents or guardians. If the parents or guardians cannot communicate, each of them can turn to the court for a decision.
- the application is made on the form and must contain justification.

- required documents:
 - photocopy of a travel document or other identity document
 - birth certificate with translation, or file placed in the Polish registry office (see procedure - temporary residence in connection with family reunification)
 - documents confirming the place of residence
 - documents related to the origin of the foreigner's parents or his/her further admission if they were Polish citizens,
 - information about the foreigner's livelihoods, his/her professional achievements, political and social activities,
 - information about the knowledge of a Polish language by a foreigner,
 - recommendations of private and legal persons, letters of support, etc.
 - photographs of people covered by the application.

Procedure

- The application for granting Polish citizenship shall be submitted through the voivode or consul, personally or by correspondence with the officially certified signature.
- If the application does not meet the requirements or the required documents are not attached to it, the receiving authority calls the applicant to remedy the deficiencies, within 30 days from the receipt of the call with the instruction that failure to remove these deficiencies will result in the application being left unanswered.
- The voivode and consul forward to the President of the Republic of Poland, through the minister competent for internal affairs, an application for granting Polish citizenship together with documents and their own opinion.

If from the attached documents it appears that the foreigner may be a Polish citizen according to the law, the voivode or consul, instead of sending the application to the president, issues a decision on the confirmation of Polish citizenship, and the proceedings for its granting are discontinued.

- If the application for granting Polish citizenship to a foreigner has been filed while a foreigner is being prosecuted for recognition as a Polish citizen or a proceeding for the restoration of Polish citizenship, the proceedings for recognition as a Polish citizen or proceedings for the restoration of Polish citizenship are discontinued.
- The voivode, consul and minister competent for internal affairs submit the application for granting Polish citizenship directly to the President of the Republic of Poland in every case when the President so decides, regardless of the stage of the proceedings.
- The President of the Republic of Poland grants Polish citizenship or refuses to grant it in the form of a resolution.
- A foreigner acquires Polish citizenship on the day when the President of the Republic of Poland issues a decision on granting Polish citizenship.
- The decision of the President of the Republic of Poland cannot be appealed.

III. Recognition as a Polish citizen

A. Conditions for recognition as a Polish citizen

- The following are considered to be Polish citizens:
 - a foreigner who has been residing continuously on the territory of the Republic of Poland for at least 3 years on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit or;
 - permanent residence rights,

he/she has a stable and regular source of income in the Republic of Poland and a legal title to occupy a dwelling;

- a foreigner permanently residing in the territory of the Republic of Poland for at least 2 years on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit or
 - permanent residence rights by which:

he/she remains married for at least 3 years with a Polish citizen or does not have any citizenship
- a foreigner who has been residing continuously in the territory of the Republic of Poland for at least 2 years on the basis of a permanent residence permit which he/she obtained in connection with refugee status granted in the Republic of Poland;
- a minor foreigner staying on the territory of the Republic of Poland on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit or;
 - permanent residence rights,

one of whose parents is a Polish citizen and the other parent, who does not have Polish citizenship, agreed to this recognition;
- a minor foreigner staying on the territory of the Republic of Poland on the basis of:
 - Permanent residence permits,
 - long-term resident's EU residence permit or;
 - permanent residence rights,

at least one of the parents was restored to Polish citizenship, and the other parent, who did not have Polish citizenship, agreed to this recognition;
- a foreigner who has been continuously and legally in the territory of the Republic of Poland for at least 10 years, who meets all the following conditions:
 - has a permanent residence permit, a long-term resident's EU residence or permanent residence permit,
 - has a stable and regular source of income in the Republic of Poland and a legal title to occupy a dwelling;
- a foreigner who has been residing continuously on the territory of the Republic of Poland for at least one year on the basis of a permanent residence permit which he/she obtained in connection with the Polish origin or possession of the Polish Card.
- A foreigner applying for recognition as a Polish citizen, with the exception of the abovementioned foreigner is obliged to have knowledge of the Polish language confirmed by an official certificate referred to in art. 11a of the Act of 7 October 1999 on the Polish language¹ at the language proficiency level of at least B1, a certificate of completion of school in the Republic of Poland or a certificate of completion of a school abroad with a lecture-related Polish language.
- uninterrupted stay - stay of a foreigner on the territory of the Republic of Poland on the basis of visa or temporary stay, as well as consent for humanitarian stay or in connection with international protection, if none of the breaks in such stay was longer than 6 months and all breaks did not exceed total 10 months in periods constituting grounds for granting a permanent residence permit, unless the break was caused by:
 - the foreigner's performance of professional duties or the performance of his/her work outside the territory of the Republic of Poland based on an agreement concluded with an employer whose registered office is on the territory of the Republic of Poland, or;
 - accompanying the foreigner referred to above by his or her spouse or minor child, or;

¹ See footnote number 28.

- a special personal situation that requires the presence of a foreigner outside the territory of the Republic of Poland and lasted no longer than 6 months, or;
- traveling outside the territory of the Republic of Poland in order to take up internships or participate in classes provided for during studies at a Polish university.

B. Refusal of recognition as a Polish citizen

A foreigner is refused recognition as a Polish citizen if:

- He/she does not meet the requirements of being recognized as a Polish citizen
- the acquisition of Polish citizenship constitutes a threat to the defence or security of the state or the protection of public safety and order.

C. Procedure

- Recognition of a foreigner as a Polish citizen takes place at his/her request, and in the case of a minor foreigner - at the request of his/her statutory representatives.
- the application is made on a form and it requires justification
- required documents:
 - photocopy of a travel document or other identity document
 - birth certificate with translation, or file placed in the Polish registry office (see procedure - temporary residence in connection with family reunification)
 - documents confirming the place of residence
 - documents related to the origin of the foreigner's parents or his/her further admission if they were Polish citizens,
 - information about the foreigner's livelihoods,
 - official attestation of knowledge of the Polish language, school-leave certificate in the Republic of Poland or a certificate of school completion abroad with a lecture-related Polish language, if required,
 - documents confirming uninterrupted stay
 - photographs of people covered by the application.
- An application for recognition as a Polish citizen shall be submitted to the voivode.
- If the application for recognition of a foreigner as a Polish citizen was made while the foreigner is being processed for granting Polish citizenship, the proceedings for recognition as a Polish citizen shall be discontinued.
- The decision on the recognition of a foreigner as a Polish citizen is issued by the voivode competent for the place of residence of the person concerned.

Appendix No. 1 List of Polish or Polish diaspora organizations entitled to issue certificates confirming active involvement in activities for the benefit of the language and culture of the Polish or a Polish national minority

No	Name of the	The name of the organization
1	Republic of Armenia	Union of Poles in Armenia "Polonia"
2	Republic of Azerbaijan	Association "Polonia - Azerbaijan"
3	Republic of	The Union of Poles in Belarus (with the authorities - the successors of the authorities elected on March 12-13, 2005)
4	Republic of	Association of Poles in Estonia "Polonia"
5	Georgia	Cultural and Educational Association of Poles in Georgia "Polonia"
6	Republic of Kazakhstan	Union of Poles in Kazakhstan
7	Republic of Kazakhstan	Centre of Polish Culture in Almaty "Więź"
8	Kyrgyz Republic	Polish Cultural and Educational Association "Rebirth"
9	Republic of Lithuania	Union of Poles in Lithuania
10	The Republic of	Association of Poles in Latvia
11	Republic of	Association "Dom Polski" in Bielce
12	Republic of	Association of Poles from Gagauzia
13	Russian Federation	National and Cultural Social Organization Polish Autonomy in Moscow "Dom Polski"
14	Russian Federation	Krasnodar Regional Organization Polish National and Cultural Centre
15	Russian Federation	Yekaterinburg City Social Organization Polish Association "Polaros"
16	Russian Federation	Regional Social Organization Centre of Culture and Education of Poland "Rebirth" of the Republic of Bashkortostan
17	Russian Federation	Local Poland National-Cultural Autonomy Kaliningrad town "Polonia"
18	Russian Federation	Non-Commercial Organization "Dom Polski" in Czerniachowsk
19	Russian Federation	Regional Social and National Organization Autonomy of Karelia's Poles "Polonia Karelska"
20	Russian Federation	Cultural and Educational Association "Polonia" in St. Petersburg
21	Russian Federation	Social Regional Organization "Congress of Poles in St. Petersburg"
22	Russian Federation	Archangelsk Regional Social Organization Polish Cultural and Educational Association "Polonia"
23	Russian Federation	Kotłaski Municipal Cultural and Educational Social Movement "Polonia"
24	Russian Federation	Smolensk Regional Social Organization "Dom Polski"
25	Russian Federation	Polish Cultural Autonomy "Ogniwo" in Irkutsk
26	Russian Federation	National-Cultural Autonomy of Poles in Ulan-Ude "Hope"
27	Russian Federation	Cultural and National Social Organization "Polonia" of the Republic of
28	Russian Federation	Municipal Social Cultural and Educational Association "Dom Polski" in Novosibirsk
29	Russian Federation	National-Cultural Autonomy of Poles Tomska "Tomska Polonia"
30	Turkmenistan	Centre "Polonia Turkmen"
31	Ukraine	Federation of Polish Organizations in Ukraine
32	Ukraine	Union of Poles in Ukraine
33	Republic of Uzbekistan	Polish Cultural and Educational Association in Uzbekistan "Swietlica"
34	Republic of Uzbekistan	Association "Polonia"

Part III. Documents issued to foreigners

1. TYPES OF DOCUMENTS ISSUED TO FOREIGNERS

Third-country nationals who aim to stay in Poland are issued the following documents:

- residence card,
- Polish foreign travel document,
- Polish identity document of a foreigner,
- a temporary Polish travel document for a foreigner,
- a document confirming the possession of a permit for tolerated stay.

2. General conditions for issuing documents to foreigners

- documents are issued at the request of a foreigner who is entitled to receive them, and in some cases ex officio. The application contains specific information and the signature of the foreigner,
- the first residence card is issued from the office,
- the first residence card for a foreigner who has obtained a temporary residence permit for the purpose of family reunification and on the day of submission of an application for granting this permit he/she was outside the Republic of Poland or is a member of the repatriate's closest family or obtained a permit referred to in art. 139a para. 1 (intra-corporate transfer) or art. 139o paragraph 1 of the Act on foreigners (long-term mobility), or obtained a consent to stay for humanitarian reasons, issued at the request of the foreigner,
- a permanent residence card for a foreigner holding a Polish Card is issued after returning the Polish Card
- application for exchange of documents for a foreigner (except for the foreigner's temporary travel document) must be submitted within 14 days after the occurrence of the reasons for their exchange
- the application for the issuance of another residence card should be submitted at least 30 days before the expiration of the next validity (concerns cards not related to the decision on the residence permit – e.g. permanent residence card, EU long-term resident card, humanitarian or tolerated stay)
- the application for issuing documents for the foreigner is made on the form.
- the application should include the address of permanent residence or temporary registration for a period longer than 2 months. Failure to provide such data within 7 days of receipt of the residence permit or omission thereof in the application will result in the card being issued without an address.
- along with the application, the travel document and a copy or original of the decision shall be shown or presented.
- in the event of loss or damage to the document, this fact should be reported to the authority which issued the document within 3 days. Notifications shall be made on the form. In the case of timely registration, the foreigner receives a certificate of loss of the document which replaces it and is valid until a new document is issued,
- if the document is recovered, this fact should be reported to the issuing authority within 3 days, if a new document is found, it should be returned.

3. Required documents:

- completed application for the issue or exchange of a document,
- confirmation of payment of the fee for issuing the document,
- documents confirming the entitlement to stay or entitling to travel, return to Poland,
- photocopy of all pages of the passport or showing a passport and a passport photo.

4. Form of settling a case

- material and technical activity, as a standard, the document should be issued within 6 weeks of submission of the application or issuing the decision, entitling him/her to have a given document.
- payment - the following fees are charged for issuing documents for foreigners:
 - residence card - PLN 50;
 - Polish foreign travel document - PLN 100;
 - Polish foreign ID - PLN 50;
 - "consent for tolerated stay" document- PLN 50.
- release
 - issue of the first residence card to a foreigner who in the Republic of Poland obtained: refugee status, subsidiary protection, consent to stay for humanitarian reasons;
 - issuing the first residence card to a foreigner who has been granted a permanent residence permit in the Republic of Poland as a member of the immediate family of the repatriate;
 - when the issued or replaced document contained technical defects;
 - issuing from the office a Polish identity document of a foreigner to a minor foreigner;
 - issuing a temporary Polish travel document to a foreigner relocated or displaced, or in the case of enforced execution of a decision obliging the foreigner to return;
 - replacement of the residence card due to the circumstances referred to in art. 241 item 5 or 6 of the Act on Foreigners (taking over by the Republic of Poland the responsibility for international protection of a foreigner who obtained a long-term resident's EU residence permit or taking over responsibility for protection of a foreigner who has a long-term resident's EU residence permit).
- discounts in the fee - 50%
 - difficult financial situation - foreigners who are in a difficult financial situation (based on a certificate from social welfare);
 - pupils and students - foreigners whose purpose of stay is to receive education in a post-primary school and a university on the territory of the Republic of Poland (based on a certificate of education);
 - minors - minors who on the day of filing an application for issuing or exchanging a document for a foreigner or - in the case of issuing the first residence card - by the date of submission of an application for a temporary residence permit, permanent residence permit or long-term resident's EU residence permit, have not completed 16 years of age (based on birth certificate, travel document or residence card).
- increase of the fee - up to 300%
 - culpable destruction or loss of the document (first exchange):
 - PLN 100 - for replacement of a residence card;
 - PLN 200 - for the exchange of a Polish travel document for a foreigner;
 - PLN 100 - for the exchange of a Polish identity document of a foreigner;
 - PLN 100 - for exchanging the document "consent for tolerated stay".
 - another exchange of this type (second and subsequent exchange):
 - PLN 150 - for replacing the residence card;
 - PLN 300 - for the exchange of a Polish travel document for a foreigner;
 - PLN 150 - for the exchange of a Polish identity document of a foreigner;
 - PLN 150 - for exchanging the document "consent for tolerated stay".

5. Deadlines

- the application for the issuance of another residence card should be submitted at least 30 days before the expiration of the next validity (concerns cards not related to the decision on the residence permit – e.g. permanent residence card, EU long-term resident card, humanitarian or tolerated stay)
- application for exchange of documents for a foreigner (except for the foreigner's temporary travel document) must be submitted within 14 days after the occurrence of the reasons for their exchange

6. Regulations specific to particular types of documents

I. Stay Card

- a document issued to a foreigner who was granted:
 - temporary residence permits;
 - Permanent residence permits;
 - long-term resident's EU residence permit;
 - permission to stay for humanitarian reasons.
- circumstances of replacement of a residence card (by an administrative decision):
 - change of data included in the residence card;
 - change of face image,
 - loss of a residence card,
 - damage to the residence card,
 - the Republic of Poland taking over the responsibility for international protection of a residence card holder issued in connection with the granting of a long-term resident's EU residence permit (on the card there is an annotation about the state that granted international protection and the date of granting it),
 - another Member State of the European Union taking over the responsibility for international protection of the holder of a residence card issued in connection with the granting of a long-term resident's EU residence permit.
- permissions associated with the residence card
 - confirmation of the identity of the foreigner and the right to stay in Poland; together with the travel document - the right to cross the border several times without having visa requirements.
- the term of validity
 - temporary residence permit - valid for the period for which the permit was granted to the foreigner;
 - Permanent residence permit - valid for a period of 10 years from the date of its issue;
 - long-term resident's EU residence permit - valid for 5 years from the date of its issue;
 - permission to stay on humanitarian grounds - valid for 2 years from the date of its issue.
 - another residence card:
 - Permanent residence permit - valid for a period of 10 years from the date of its issue;
 - long-term resident's EU residence permit - valid for 5 years from the date of its issue;
 - permission to stay on humanitarian grounds - valid for 2 years from the date of its issue.
- issuing / replacing authority
 - the voivode who issued the decision in the case of a temporary stay, permanent resident, long-term resident of the EU, in the case of exchange - the voivode competent for the place of stay,
 - the commanding officer of the border guard post who issued a residence permit for humanitarian reasons, in the case of replacement - the commander of the institution competent for the place of stay.

- taking fingerprints
 - in the case of issuing a residence card to persons entitled to join the family who, at the date of the decision, stayed outside the territory of the Republic of Poland;
 - issuance of another residence card;
 - replacement of a residence card;
 - failure to submit prints results in refusal to initiate proceedings in the subject of issue or replacement of a residence card.
- Return of the residence card
 - the foreigner has acquired Polish citizenship (the card is returned no later than after 14 days from the delivery of the document on the acquisition of citizenship);
 - a decision has been issued to annul this document (the card is returned no later than 14 days from the date on which the decision became final);
 - a decision has been issued to withdraw his or her permanent residence permit or long-term resident's EU residence permit (the card is returned no later than 14 days from the date on which the decision became final);
 - a decision has been issued to withdraw his temporary residence permit (the card is returned no later than after 14 days from the date on which the decision became final);
 - a decision has been issued to withdraw his/her residence permit for humanitarian reasons (the card is returned no later than 14 days from the date on which the decision became final);
 - the decision issued granting him/her a temporary residence permit expired by virtue of law pursuant to art. 102 (acquisition of citizenship, permanent residence or residence of a resident) or pursuant to art. 307 para. 1 of the Act on Foreigners (issuing the final decision on the obligation to return) (the card is returned no later than after 14 days from the date on which the decision became final or expired);
 - the decision on granting a permanent residence permit issued by the decision expired by virtue of law pursuant to art. 200 point 1 of the Act on foreigners (acquisition of citizenship) (the card is returned no later than after 14 days from the date on which the decision expired);
 - the decision on granting his/her residence permit for humanitarian reasons expired by virtue of law pursuant to art. 354 par. 1 point 1, 3 or 4 of the Act on Foreigners (granting refugee status or subsidiary protection, written waiver of humanitarian stay, granting permission for permanent residence) (the card is returned no later than after 14 days from the date on which the decision expired).
- Cancellation of the residence card
 - loss or damage - on the day of filing;
 - exchanges due to a change, such as the image of the face of the card holder, the data contained therein
 - on the day of receipt of the new card;
 - acquisition of Polish citizenship by a foreigner - on the day the card returns to expire;
 - death of the card holder - on the day the information is received by the authority about the death of the foreigner;
 - when the foreigner does not return the card when a decision is issued to him/her, which involves the obligation to return the card - on the day on which the decision became final or expired.

II. Polish travel document for a foreigner

- a document issued to a foreigner who was granted:
 - Permanent residence permit;
 - long-term resident's EU residence permit;
 - subsidiary protection;
 - residence permit for humanitarian reasons;

who lost his/her travel document, or it has been destroyed and cannot be regained.

- circumstances of exchanging a Polish travel document (by means of an administrative decision):
 - change of data placed in the document,
 - change of face image,
 - loss of a document,
 - damage to the document.
- permissions related to the Polish travel document
 - the right to repeatedly cross the border during the period of validity,
 - the foreigner is obliged to make efforts to obtain a travel document of his/her country of origin.
- the term of validity
 - one year from its publication.
- issuing / replacing authority
 - voivode competent for the place of residence of the foreigner.
- return of the Polish travel document
 - acquisition of Polish citizenship (refund is made up to 14 days from delivery of the document regarding the acquisition of Polish citizenship);
 - a decision has been issued to annul this document (the refund is up to 14 days from the date on which the decision became final);
 - a decision has been made to withdraw his or her permanent residence permit or residence permit for a long-term EU resident or a residence permit for humanitarian reasons (the refund is up to 14 days from the date on which the decision became final);
 - a decision has been made to deprive him/her of subsidiary protection (reimbursement takes up to 14 days from the date on which the decision became final);
 - received a travel document (return is made up to 14 days from the date on which the foreigner received the travel document).
- Cancellation of the Polish travel document
 - loss or damage - on the day of filing;
 - exchanges due to a change: the image of the face of the document holder, the data placed in it - on the day of receipt of the new document;
 - acquisition of Polish citizenship by the foreigner - on the day of the deadline for returning the document;
 - death of the holder of the document - on the date of obtaining information by the authority on the death of the foreigner;
 - issuing a new travel document after losing the previous one, which after being found was returned - on the day it was returned;
 - when the foreigner does not return the document when the decision is issued to him/her, which involves the obligation to return the document - on the day on which the decision became final.

III. Polish identity document for a foreigner

- the document may be issued to the following foreigners:
 - minor foreigner:
 - born in the territory of the Republic of Poland,
 - residing in this territory without parental care,
 - if the interest of the Republic of Poland and the Republic of Poland does not contradict it
 - for the good of the child;
 - a foreigner who resides on the territory of the Republic of Poland on the basis of

the benefit referred to in art. 170 (certificate of being a victim of human trafficking);

- a foreigner who
 - resides in the territory of the Republic of Poland,
 - does not have any citizenship,
 - is in favour of the interests of the Republic of Poland.

does not have a travel document and does not have or cannot obtain another document confirming their identity.

- circumstances of the Polish identity document exchange (through an administrative decision):
 - change of data placed in the document,
 - change of face image,
 - loss of the document,
 - damage to the document.
- rights related to the Polish identity document
 - confirmation of the identity of the foreigner, excluding confirmation of citizenship,
 - no right to cross the border,
 - a foreigner is obliged to make efforts to obtain a travel/identity document and appropriate residence permits (permanent residence, residence of an EU long-term resident or a temporary residence permit).
- the term of validity
 - one year from its issue;
- issuing / replacing authority
 - voivode competent for the place of residence of the foreigner.
- return of the Polish identity document
 - acquisition of Polish citizenship (refund is made up to 14 days from delivery of the document regarding the acquisition of Polish citizenship);
 - a decision was issued to annul this document (the refund is up to 14 days from the date on which the decision became final).
- Cancellation of the Polish identity document
 - loss or damage - on the day of filing;
 - exchanges due to a change: the image of the face of the document holder, the data placed in it - on the day of receipt of the new document;
 - acquisition of Polish citizenship by a foreigner - on the day of the deadline for returning the document;
 - death of the holder of the document - on the date of obtaining information by the authority on the death of the foreigner;
 - when a foreigner who, after losing it is issued a new identity document, returned the lost document - on the day of its return.

IV. A temporary Polish travel document

- a document issued to a foreigner who was granted:
 - Permanent residence permits;
 - long-term resident's EU residence permit;
 - subsidiary protection;
 - residence permits for humanitarian reasons;
 - refugee status was granted;

who lost his/her travel document abroad, or it has been destroyed and cannot be recovered, and the foreigner intends to return to Poland.

optional case

- the document may be issued to a foreigner who:
 - subject to relocation or resettlement;
 - intends to leave the territory of the Republic of Poland or was obliged to leave this territory.
 who does not have a travel document and cannot obtain one.
- permissions related to the Polish travel document
 - the right to a single entry to Poland - for mandatory and optional TPDP related to relocation or resettlement;
 - departure from the Republic of Poland for optional TPDP related to leaving Poland).
- the term of validity
 - the period specified in the document - maximum 7 days;
- issuing / replacing authority
 - voivode competent for the foreigner's place of residence,
 - consul abroad,
 - Chief of the Border Guard post in a situation when a foreigner is to leave the Republic of Poland.

V. The document "consent for tolerated stay"

the document is issued to a foreigner who has received permission to tolerated stay on the territory of the Republic of Poland.

- circumstances of the exchange of the document "consent for tolerated stay" (by administrative decision):
 - change of data placed in the document,
 - change of face image,
 - loss of a document,
 - damage to the document,
- entitlements related to the document "consent for tolerated stay"
 - confirmation of the identity of the foreigner, excluding confirmation of citizenship,
 - no right to cross the border.
- the term of validity
 - two years from its publication
- issuing / replacing authority
 - the commandant of a branch or border guard post who issued consent for tolerated stay, exchange - the commandant of the branch / border guard post.
- return of the document "consent for tolerated stay"
 - acquisition of Polish citizenship (refund is made up to 14 days from delivery of the document regarding the acquisition of Polish citizenship);
 - a decision has been issued to annul this document (the refund is up to 14 days from the date on which the decision became final);
 - a decision on the withdrawal of the tolerated stay permit has been issued (the refund is up to 14 days from the date on which the decision became final);
 - the decision on granting permission for tolerated stay has expired due to the granting of refugee status to the foreigner, granting subsidiary protection, permanent residence or a written waiver of tolerated stay (refund is made up to 14 days from the date on which the decision became final);
- Invalidation of the document "consent for tolerated stay"
 - loss or damage - on the day of filing;
 - exchanges due to a change: the image of the face of the document holder, the data placed in it - on the day of receipt of the new document;

- acquisition of Polish citizenship by a foreigner - on the day of the deadline for returning the document;
- death of the holder of the document - on the date of obtaining information by the authority on the death of the foreigner;
- when a foreigner who, after the loss was issued a new identity document returned the lost document - on the day of its return,
- when the document was found and returned by a third party - on the day of its return
- if the foreigner fails to return the document when he/she was given a decision, which involves the obligation to return the document - on the date on which the decision became final

Part IV. Violation of the basics and rules of stay in Poland

1. The obligation to return to the country of origin

A foreigner is obliged to leave the territory of the Republic of Poland in the following cases:

- before the expiry of the period of stay covered by the Schengen visa or national visa and before the expiry of that visa,
- if he/she does not meet the conditions of entry or stay on the territory of the Republic of Poland or has ceased to fulfil these conditions and has a residence permit or other permit granted by another country applying Directive 2008/115 / EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures applied by Member States regarding the return of illegally staying third-country nationals (OJ. EU L 348, 24/12/2008, p. 98, as amended d.), authorizing him/her to stay in the territory of this state, is obliged to leave the territory of the Republic of Poland immediately and go to territories remains on the territory of the Republic of Poland on the basis of an international agreement on the abolition of visa or unilateral visa waiver or to whom partial or total lifting of the visa requirement, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 listing third countries whose citizens must be in possession of visas when crossing the external borders and those whose nationals are exempt from this requirement, is obliged to leave this territory before the deadline provided for in the international agreement, in the unilateral abolition of the visa requirement or in the regulation.
- when staying on the territory of the Republic of Poland under visa-free regime on the basis of an international agreement waiving the visa requirement or in connection with the unilateral abolition of the visa requirement by the Republic of Poland, he/she is obliged to leave this territory after the period of his/her stay on the territory of the Republic of Poland, no later than after 3 months from the date of contract loss or visa reinstatement. If the loss of the visa waiver or visa waiver agreement has been terminated before the publication of one of these facts in the form provided for by law, the deadline for leaving Poland is counted from the day of the announcement.
- before the expiry of the temporary residence permit.

A foreigner is also obliged to leave the territory of the Republic of Poland within 30 days from the day on which the following decision became final, and in the case of a decision by a higher-level body - from the date on which the decision was delivered to the foreigner (Article 299 (6) of the Act) about foreigners) for:

- refusing to extend a Schengen visa or a national visa to him/her,
- refusing to grant him/her a temporary residence permit, permanent residence permit or long-term resident's EU residence permit,
- discontinuation of proceedings regarding the extension of a visa or temporary residence, permanent or long-term resident of the EU,
- withdrawal of his/her temporary residence permit, permanent residence permit or long-term resident's EU residence permit,
- refusal to grant him/her refugee status or subsidiary protection, on the recognition of an application for international protection as inadmissible,
- discontinuation of proceedings on granting international protection to a foreigner
- deprivation of refugee status or subsidiary protection,
- withdrawal of the residence permit for humanitarian reasons.

The stay in the period of 30 days indicated is considered legal, unless the application for a residence permit was submitted in violation of the dates, i.e. during the period of illegal stay in Poland.

The obligation to leave Poland does not apply to persons who have a valid document authorizing them to stay in Poland or from the Act on foreigners that their stay is considered legal.

If before the decision on refusal to renew a Schengen or national visa, granting a temporary residence permit, permanent or EU long-term resident or decision to discontinue the proceedings was initiated, the foreigner's obligation to return or the decision was issued:

- stay of a foreigner within 30 days from the date of the refusal is not considered legal
- the return date specified in the decision obliging the foreigner to return is valid. If this term has not yet been determined, the foreigner should wait for it to be issued by the Border Guard.

The stay of a foreigner is not considered legal and the 30-day deadline for leaving the country does not apply if:

- on the day of the decision on refusal of refugee status or subsidiary protection or decision to discontinue the proceedings for granting international protection, the foreigner is in a guarded Centre or in detention for foreigners, or;
- the decision to refuse refugee status or grant subsidiary protection or the decision to discontinue the proceedings for granting international protection was issued in connection with the submission of another application for international protection, or;
- before the decision on refusal to grant refugee status to the foreigner or granting him or her subsidiary protection or decision to discontinue the proceedings for granting international protection was initiated, the proceedings regarding the obligation to return it were issued to the foreigner or a decision was made to oblige the foreigner to return.

2. Conditions for extending stay in Poland

A foreigner may stay in Poland despite the expiry of the period of his residence permit if he/she:

- submitted an application for extension of a temporary, permanent and long-term EU resident permit at least on the last day of legal residence on the territory of the Republic of Poland,
- belongs to the category of persons whose illegal stay in Poland does not constitute an obstacle to granting consent for temporary or permanent residence,
- submitted an application for granting a short-term stay permit (Article 181 (1) of the Act on foreigners),
- has applied for international protection, unless it is a repeated application,
- submitted an application to the voivode competent for the place of stay to extend the stay for another 90 days, if the foreigner stayed in Poland on the basis of a visa-free travel.

An application for an extension of a visa-free stay should be submitted at least on the last day of the legal stay. He/she should be justified if until the expiry of the next 90 days, the decision on the visa extension is not issued, the foreigner should leave Poland no later than on the 180th day of stay, counted from the day of entry to Poland.

3. Basis for issuing a return decision

The foreigner will be issued with a decision to return if he/she:

- stays or has stayed in the territory of the Republic of Poland without a valid visa or other valid document entitling him/her to enter and stay there, if a visa or other document is or was required or;
- did not leave the territory of the Republic of Poland after using the permissible period of his/her stay in the territory of all or some of the Schengen countries to which he/she was entitled without having to have a visa, in each period 180 days, unless international agreements state otherwise, or;
- did not leave the territory of the Republic of Poland after using the permissible period of his/her stay indicated in the Schengen visa in each period of 180 days, or after using the permissible period of stay on the basis of a national visa, or;

- performs work or on the day of the initiation of control of the legality of performing work carried out by the competent authority doing work without a proper work permit or statement on the job of a foreigner entered in the records of declarations (if the foreigner left and was not checked, the fact of illegal work does not hold importance for his/her future status in Poland), or;
- undertook an economic activity contrary to the regulations in force in this area on the territory of the Republic of Poland, or;
- does not have the financial means necessary to cover the costs of stay on the territory of the Republic of Poland, return travel to the country of origin or residence or transit through the territory of the Republic of Poland to a third country which will grant permission to enter, and did not indicate reliable sources for obtaining such funds, or;
- the entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is obligatory, or;
- the foreigner's data is in the Schengen Information System for the purposes of refusal of entry, if the foreigner is staying on the territory of the Republic of Poland within the visa-free regime or on the basis of a Schengen visa, with the exception of a visa authorizing only entry into the territory of the Republic of Poland and stay in that territory, or;
- it is required for reasons of national defence or security or for the protection of public safety and order or the interests of the Republic of Poland, or;
- crossed or attempted to cross the border contrary to the law, or;
- has been sentenced by a valid sentence in the Republic of Poland to imprisonment subject to execution and there are grounds for conducting proceedings to transfer him/her abroad for the purpose of enforcing a sentence imposed on him/her, or;
- stays outside the frontier zone where, in accordance with the local border traffic permit, he/she may stay, unless international agreements state otherwise, or;
- stays on the territory of the Republic of Poland after the expiration of the period of stay to which he/she was entitled on the basis of the permit to cross the border under local border traffic, unless international agreements state otherwise, or;
- a foreigner's continued stay on the territory of the Republic of Poland will constitute a threat to public health, which has been confirmed by a medical examination, or for the international relations of another EU Member State, or;
- the purpose and conditions of the foreigner's stay on the territory of the Republic of Poland are inconsistent with those declared, unless the law allows their change, or;
- a decision has been made to refuse refugee status or grant subsidiary protection, to declare an application for international protection inadmissible, to discontinue proceedings for granting international protection or to deprive him or her of refugee status or subsidiary protection and a foreigner:
 - he/she did not leave the territory of the Republic of Poland in the time and case referred to in art. 299 par. 6 point 1 lit. b (30 days since the decision became final and was delivered), or;
 - he/she stays in a guarded Centre or in custody for foreigners.

Exceptions to the decision on return obligation - special cases

The provisions on issuing a decision on the obligation to return in a situation in which a foreigner:

- stays or has stayed in the territory of the Republic of Poland without a valid visa or other valid document entitling him/her to enter and stay there, if a visa or other document is or was required or;
- did not leave the territory of the Republic of Poland after using the permissible period of his/her stay in the territory of all or some of the Schengen countries to which he/she was entitled without having to have a visa, in each period 180 days, unless international agreements state otherwise, or;

- did not leave the territory of the Republic of Poland after using the permissible period of his/her stay indicated in the Schengen visa in each period of 180 days, or after using the permissible period of stay on the basis of the national visa

shall not apply if the refusals referred to in art. 299 par. 6 of the Act on foreigners (30 days return date)

The provisions on issuing the decision on the obligation to return, in a situation in which the foreigner:

- did not leave the territory of the Republic of Poland after using the permissible period of his stay in the territory of all or some of the Schengen countries to which he/she was entitled without having to have a visa, in each period 180 days, unless international agreements state otherwise, or;
- did not leave the territory of the Republic of Poland after using the permissible period of his stay indicated in the Schengen visa in each period of 180 days, or after using the permissible period of stay on the basis of the national visa

shall not apply if the foreigner has a valid document entitling him/her to stay on the territory of the Republic of Poland or from this Act, it follows that his/her stay in that territory is considered legal.

The provisions on issuing the decision on the obligation to return, in a situation in which the foreigner:

- performs work or on the day of the initiation of control of the legality of performing work carried out by the authorized body performing the work without a proper work permit or statement on entrusting work to a foreigner entered in the records of declarations

shall not apply if a decision has been made to punish the offender for the offense referred to in art. 120 par. 3 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (see procedure - temporary stay and work).

The provisions on issuing the decision on the obligation to return, in a situation in which the foreigner:

- performs work or on the day of the initiation of control of the legality of performing work carried out by the authorized body performing the work without a proper work permit or statement on entrusting work to a foreigner entered in the records of declarations
- undertook an economic activity contrary to the regulations in force in this area on the territory of the Republic of Poland,

does not apply if it is particularly important for the foreigner.

In proceedings regarding the obligation to return a foreigner holding a temporary residence permit, referred to in art. 158 sec. 1 (temporary residence of a spouse of a Polish citizen and a minor child of a foreigner who is the spouse of a Polish citizen) or art. 159 sec. 1 of the Act on foreigners (foreigners entitled to be connected to the family), or a foreigner, who was joined by a foreigner holding a temporary residence permit, referred to in art. 159 sec. 1, the following shall be taken into account:

- the period of the foreigner's stay on the territory of the Republic of Poland and
- the existence of cultural and social ties with the country of origin.

The provision on issuing the decision on the obligation to return, in a situation in which the foreigner:

- did not leave the territory of the Republic of Poland after using the permissible period of his/her stay on the territory of all or some of the Schengen states to which he/she was entitled without the need to have a visa, in each period of 180 days, unless international agreements state otherwise

shall not apply in the case of a foreigner who stays on the territory of the Republic of Poland on the basis of a residence permit referred to in art. 1 point 2 lit. a Regulation No. 1030/2002, with the "ICT" annotation issued by another Member State of the European Union, and the purpose of his/her stay on the territory of the Republic of Poland is to perform work as an executive, specialist or internship employee as part of the transfer within for a period not exceeding 90 days over a period of 180 days (short-term mobility).

4. The grounds for failing to make a return decision

In the event of occurrence of grounds for issuing the decision on the obligation to return such a decision, it shall not be issued, and the proceedings initiated earlier shall be subject to cancellation if the foreigner:

- has a refugee status, enjoys subsidiary protection or;
- stays on the territory of the Republic of Poland on the basis of a residence permit for humanitarian reasons or a permit for tolerated stay, or;
- obtained the permit referred to in art. 187 item 6 or 7 of the Act on Foreigners (temporary residence related to respect for family life or children's rights), or;
- is a spouse:
 - of a Polish citizen or
 - a foreigner holding a permanent residence permit or;
 - has a permanent residence permit of the EU on the territory of the Republic of Poland

and this is not objected to by the defence or security of the state or the protection of public safety and order, unless the purpose of marriage or its existence is to circumvent provisions specifying the rules and conditions of entry of foreigners into the territory of the Republic of Poland, their passage through that territory, stay or leave from it (on the definition of a marriage for convenience, see procedure - temporary residence of a spouse of a Polish citizen)

- stays on the territory of the Republic of Poland on the basis of a Schengen visa issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on Foreigners (visa for humanitarian reasons, due to international obligations or Poland's interest), authorizing only to enter the territory of the Republic of Poland and stay in that territory,
- is staying in the territory of the Republic of Poland on the basis of the permit referred to in art. 181 par. 1 of the Act on Foreigners (short-term stay) or the permit referred to in art. 176 (temporary residence permit for victims of trafficking in human beings), or;
- has been granted a permanent residence permit or a long-term resident's EU residence permit on the territory of the Republic of Poland, or;
- has a residence permit or other residence permit issued by another country applying Directive 2008/115 / EC, and this is not objected to by the defence or security of the state or the protection of public safety and order, unless the foreigner has not gone promptly into the territory of that Member State after informing him/her about the obligation to travel to the territory of that country.
- is temporarily seconded to provide services in the Republic of Poland by an employer established in the territory of another European Union Member State, a member state of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation and is entitled to stay and work at the territory of that state, if the decision to oblige the foreigner to return would be issued due to his/her presence on the territory of the Republic of Poland:
 - without a valid visa or;
 - another valid document entitling the foreigner to enter and stay, or;
 - because of crossing or attempting to cross the border contrary to legal provisions, or;
- he/she may be transferred without delay to a third country on the basis of an international agreement on the transfer and admission of persons after having been detained for crossing the border in contravention of the law, or;
- he/she can be immediately brought to the border if he/she has been detained in the border area immediately after unintentionally crossing the border contrary to the law, or;
- he/she may be transferred to another European Union Member State, the European Free Trade Association (EFTA) Member State - a party to the European Economic Area Agreement or the Swiss Confederation on the basis of an international agreement on 13 January 2009 on the transfer and reception of persons, or;

- he/she is staying on the territory of the Republic of Poland on the basis of the certificate referred to in art. 170 of the foreigners Act (a certificate for a trafficked person), or;
- he/she may be transferred to another European Union Member State under the provisions of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 on establishing criteria and mechanisms for determining the Member State responsible for examining an application for international protection submitted in one of the Member States by a third-country national or a stateless person (recast version) (OJ UE L 180 of 29/06/2013), or;
- he/she is transferred to a third country at the request of the authorities of that State for the release of a prosecuted person, in order to bring criminal proceedings against him/her or to enforce a sentence imposed on him/her or the State is transferred to another Member State of the European Union as a person prosecuted by a European arrest warrant in order to take him/her to the territory of that State, criminal proceedings or the enforcement of a sentence of imprisonment or another measure involving deprivation of liberty.

Exceptions to the decision on return obligation - special cases

Decision on obliging the foreigner to return. in relation to a foreigner who:

- stays or has stayed in the territory of the Republic of Poland without a valid visa or other valid document entitling him/her to enter and stay there, if a visa or other document is or was required

this does not appear when a foreigner, in accordance with the provisions of art. 120 (change of work permit) and art. 135 (change of work permits in a highly skilled job), asked for the decisions referred to in these provisions to be amended pending completion of the proceedings to amend these decisions.

Provisions protecting foreigners - refugees or those with subsidiary protection prior to issuing the decision on the obligation to return are not applied in the case referred to in art. 32 para. 1 or art. 33 para. 2 of the Convention Concerning the Status of Refugees, drafted in Geneva on July 28, 1951 (Journal of Laws of 1991, items 515, 516 and 517) (exceptions to the principle non-refoulement cases of unworthiness - a threat to state security or defence).

The proceedings regarding the foreigner's obligation to return shall not be instituted if proceedings are pending in the matter of granting international protection to that foreigner, unless the foreigner has filed another application for international protection.

The proceedings regarding the foreigner's obligation to return shall be suspended in the event of the initiation of proceedings on granting international protection to the foreigner or granting him/her the authorization referred to in art. 176 (temporary residence permit for victims of trafficking in human beings). Proceedings regarding the foreigner's obligation to return shall not be suspended if the foreigner has filed another application for international protection.

5. Expiration of the decision to return

The decision to oblige the foreigner to return shall expire by virtue of law, if the foreigner:

- has refugee status or benefits from subsidiary protection;
- has a permanent residence permit or a long-term resident's EU residence permit on the territory of the Republic of Poland;
- stays on the territory of the Republic of Poland on the basis of the permit referred to in art. 176 of the Act on Foreigners (temporary residence for victims of trafficking in human beings) or art. 187 point 6 or 7 (for a temporary existence due to respect for family life or children's rights);
- received the decision referred to in art. 393b para. 1 of the Act on Foreigners (transfer under the Dublin Regulations - the state responsible for examining the application for international protection);
- received a decision to discontinue the proceedings for granting international protection and to transfer to the responsible Member State - in the case referred to in art. 37 paragraph 1

Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.

Note: provisions on the obligation of a foreigner to return shall not apply to citizens of the Republic of Turkey who acquired the right to stay pursuant to Decision No. 1/80 of the Association Council of the Turkish Republic and EEC of 19 September 1980 on the development of the Association, which was established on under the Treaty establishing an association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963.

6. Effects of a return decision

- On the day when the decision to oblige the foreigner to return becomes final, the national visa, the expiry of the permit for temporary residence and the work permit are invalidated by law.

7. The procedure of issuing the decision on the obligation to return

I. Responsible body

The decision on obliging the foreigner to return is issued by:

- ex officio - the commander of the Border Guard unit or the commandant of the Border Guard post, who stated the existence of a condition justifying the issuance of the decision on obliging the foreigner to return;
- at the request of the voivode, the Minister of National defence, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the body of the National Fiscal Administration, provincial commandant or powiat (city) commander of the Border Guard or commandant of the Border Guard, competent for the seat of the authority appearing the application or place of residence of the foreigner.

II. The date of voluntary return and its extension

- The decision on the foreigner's obligation to return shall specify the date of voluntary return, which is from 15 to 30 days, counted from the date of delivery of the decision.
- In the decision about the obligation to return, the date of voluntary return of the foreigner is not specified when:
 - there is a probability of escape of the foreigner or;
 - this is required by the defence or security of the state or the protection of public safety and order.
- The decision on the foreigner's obligation to return, issued without specifying the date of voluntary return, indicates the country to which the foreigner returns.
- In the case when a foreigner has been issued a decision on obliging the foreigner to return, specifying the date of the voluntary return, before issuing to him/her the decision on:
 - refusal: extension of a Schengen visa or national visa, granting a temporary residence permit, granting a permanent residence permit, granting a long-term resident's EU residence permit,
 - discontinuance of proceedings in matters referred to above,
 - refusal to grant refugee status or subsidiary protection,
 - discontinuance of the proceedings for granting international protection

the date of voluntary return is counted from the day on which the decisions referred to above have become final, and in the case of a decision issued by a higher-level body - from the day on which the final decision was delivered to the foreigner.

- the decision to oblige the foreigner to return issued without specifying the period of voluntary return shall be immediately enforceable.

- if the decision to oblige the foreigner to return is issued to a foreigner who has been staying in the territory of the Republic of Poland on the basis of a temporary residence permit in connection with the circumstances referred to in art. 186 para. 1 point 3 of the Act on Foreigners (stay of a foreigner - long-term resident of another EU Member State), the decision on obliging the foreigner to return as the country of return of the foreigner indicates the Member State of the European Union in which the foreigner holds a long-term resident's EU residence permit (the same applies a member of a foreigner's family who has a long-term resident's residence in another EU Member State).
- The authority, by issuing the decision on obliging the foreigner to return, may extend the period of voluntary return if the foreigner:
 - is obliged to appear in person before a Polish public authority or;
 - presence on the territory of the Republic of Poland is required by the interest of the Republic of Poland or;
 - is in a unique personal situation, resulting in particular:
 - from the length of the foreigner's stay on the territory of the Republic of Poland,
 - from family and social ties connecting the foreigner or
 - from the need of continuing education by a minor child of a foreigner.
- The body that issued the decision to oblige the foreigner to return may extend the period of voluntary return specified in it, due to the circumstances referred to above, also after its release, once, at the request of the foreigner.
- The extended period of voluntary return may not be longer than one year.

III. No re-entry to Poland

- The decision on the foreigner's obligation to return stipulates a ban on re-entry to the territory of the Republic of Poland and other countries of the Schengen area and defines the period of this prohibition.
- In the decision on the foreigner's obligation to return, he/she shall be prohibited from re-entry only to the territory of the Republic of Poland if it is issued to a foreigner:
 - possessing international protection in another EU Member State if he/she has been withdrawn from a long-term resident's EU residence permit, or;
 - referred to in art. 315 para. 8 or 9 of the Act on Foreigners (long-term residents of other EU Member States and their families).
- Re-entry bans to the EU territory or Schengen territory are defined for the following periods:
 - from 6 months to 3 years - in the cases referred to in art. 302 par. 1 points 1-3, 6, 10, 12, 13, 15 or 16 of the Act on foreigners:
 - the foreigner is staying or stayed on the territory of the Republic of Poland without a valid visa or other valid document authorizing him/her to enter and stay there, if a visa or other document is or was required or;
 - did not leave the territory of the Republic of Poland after using the permissible period of his/her stay on the territory of all or some of the Schengen states to which he/she was entitled without a visa, 180 days in each period, unless international agreements state otherwise, or;
 - did not leave the territory of the Republic of Poland after using the permissible period of his/her stay indicated in the Schengen visa in each period of 180 days, or after using the permissible period of stay on the basis of a national visa, or;
 - does not have the financial means necessary to cover the costs of stay on the territory of the Republic of Poland, return travel to the country of origin or residence or transit through the territory of the Republic of Poland to a third country which granted permission to enter, and did not indicate reliable sources of such funds, or;
 - crossed or attempted to cross the border contrary to the law, or;
 - stays outside the frontier zone where, in accordance with the local border traffic permit, he/she may stay, unless international agreements state otherwise, or;

- stays on the territory of the Republic of Poland after the expiration of the period of stay to which he/she was entitled on the basis of the permit to cross the border as part of local border traffic, unless international agreements state otherwise, or;
- the purpose and conditions of the foreigner's stay on the territory of the Republic of Poland are inconsistent with that declared, unless the law allows their change, or;
- a decision on refusal to grant refugee status or subsidiary protection, recognition of an application for international protection as inadmissible, discontinuation of proceedings for granting international protection or decision to deprive him/her of refugee status or subsidiary protection and a foreigner has been issued if:
 - he/she did not leave the territory of the Republic of Poland in the time and case referred to in art. 299 par. 6 point 1 lit. b (30 days since the decision became final and was delivered), or;
 - he/she stays in a guarded Centre or in custody for foreigners.
- from one to three years - in the cases referred to in art. 302 par. 1 point 4 and 5 of the Act on foreigners:
- performs work or on the day of the initiation of control of the legality of performing work carried out by the authorized body performing the work without a proper work permit or statement on entrusting the work to a foreigner entered in the records of declarations, or;
- undertook an economic activity contrary to the regulations in force in this area on the territory of the Republic of Poland, or;
 - from 3 years to 5 years - in the cases referred to in art. 302 par. 1 point 7, 8, 11 or 14 of the Act on foreigners
- the entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is obligatory, or;
- the foreigner's data is in the Schengen Information System for the purposes of refusal of entry, if the foreigner stays on the territory of the Republic of Poland within the visa-free regime or on the basis of a Schengen visa, with the exception of a visa authorizing only entry into the territory of the Republic of Poland and stay in that territory, or;
- has been sentenced by a valid sentence in the Republic of Poland to imprisonment subject to enforcement and there are grounds for conducting proceedings to transfer him/her abroad for the purpose of enforcing a sentence imposed on him/her, or;
- the foreigner's continued stay on the territory of the Republic of Poland will pose a threat to public health, which has been confirmed by a medical examination, or for international relations of another EU Member State, or;
 - 5 years - in the cases referred to in art. 302 par. 1 point 9 of the Act on Foreigners
- it is required for reasons of national defence or security or for the protection of public safety and order or the interests of the Republic of Poland, or;

IV. Withdrawal of the entry ban

The authority which in the first instance issued a decision obliging the foreigner to return, may withdraw the ban, at the request of the foreigner, by way of a decision, if the foreigner demonstrates that:

- He/she fulfilled the obligations arising from the decision obliging the foreigner to return or;
- his/her re-entry into the territory of the Republic of Poland or other countries of the Schengen area is to take place due to justified circumstances, especially for humanitarian reasons, or;
- He/she was granted help in his/her voluntary return,

When considering the withdrawal request, the authority shall take into account, in particular:

- circumstances in which the foreigner has been issued a decision on obliging the foreigner to return;
- circumstances for which the foreigner is to re-enter the territory of the Republic of Poland or other Schengen countries.

The re-entry ban shall not be withdrawn if:

- entry or stay of a foreigner on the territory of the Republic of Poland may pose a threat to the defence or security of the state or protection of public safety and order or may prejudice the interest of the Republic of Poland or;
- the foreigner did not pay the costs related to the issuance and implementation of the decision on the foreigner's obligation to return, which he was obliged to incur, or
- it was adjudicated after issuing the decision on the withdrawal of the ban to the foreigner, and it did not take two years for the decision to be issued, or;
- half of the period for which it was adjudicated has not expired.

V. Cancellation

- an appeal against the decision of the Border Guard should be submitted to the Head of the Office for Foreigners

VI. Withdrawal from the implementation of the decision to return

The decision to oblige the foreigner to return shall not be made when:

- the foreign party is being dealt with in the matter of granting him/her international protection, or;
- proceedings are pending towards the foreigner in the matter of granting him/her a stay for humanitarian reasons, consent for tolerated stay or a permit referred to in art. 176 (temporary residence for a victim of trafficking in human beings), or;
- a foreigner has been granted a residence permit for humanitarian reasons or a permit for tolerated stay or there are reasons to stay it, or;
- the foreigner is staying on the territory of the Republic of Poland on the basis of:
 - Schengen visa authorizing only to enter the territory of the Republic of Poland issued for the purpose referred to in art. 60 par. 1 point 23 of the Act on Foreigners (visa for humanitarian reasons, in connection with international obligations or the interest of Poland), or;
 - authorization referred to in art. 181 par. 1 of the Act on Foreigners (short-stay stay), or;
 - the foreigner stays on the territory of the Republic of Poland on the basis of the certificate referred to in art. 170 of the foreigners Act (a certificate for a victim of human trafficking), or;
- the foreigner is a spouse of a Polish citizen or a foreigner holding a permanent residence permit or a long-term resident's EU residence permit on the territory of the Republic of Poland and the state defence or security or public safety and order protection is not opposed, unless the purpose of marriage or its existence is bypassing the rules defining the rules and conditions of entry of foreigners on the territory of the Republic of Poland, their passage through this territory, staying on it and leaving it, or;
- in the case of a foreigner, a preventive measure in the form of a ban on leaving the country has been adjudicated in the Republic of Poland, or;
- the foreigner declared his/her intention to submit an application for international protection, unless the foreigner once again declared his/her intention to submit an application for international protection, and did not submit an application for international protection after the declared intention to submit it, or a previous application for international protection was considered unacceptable, or after the decision on refusal to grant refugee status and granting subsidiary protection has been issued.

VII. Suspension of the implementation of the decision to return

- if the foreigner complained to the voivodship administrative court about the decision to oblige the foreigner to return with the application to suspend its performance, the period of voluntary return or the date of enforceable enforcement of this decision by law shall be extended until the province administrative court issued a ruling in the matter this application.

- the above rule shall not apply if the decision on obliging the foreigner to return was issued on the basis of art. 302 par. 1 point 9 (threat to national security, defence and public order).

8. Consent to stay for humanitarian reasons

I. Terms of granting

A foreigner is allowed to stay for humanitarian reasons on the territory of the Republic of Poland, if the obligation to return:

- can only take place in a country in which, in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drafted in Rome on November 4, 1950 if:
 - his/her right to life, liberty and personal security would be at risk
 - he/she could be subjected to torture or inhuman or degrading treatment or punishment, or
 - he/she might be forced to work, or;
 - he/she could be deprived of the right to a fair trial or be penalized without a legal basis, or;
 - would violate his/her right to family or private life, or;
- can only take place in a country where such a decision would violate the rights of the child as set out in the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, to a significant degree

II. Refusal of consent

- A foreigner is refused a residence permit for humanitarian reasons if there are serious grounds for believing that:
- he/she committed a crime against peace, a war crime or a crime against humanity, in the understanding of international law, or;
- is guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Art. 1 and 2 of the Charter of the United Nations, or;
- he/she committed a crime on the territory of the Republic of Poland or committed an act that is a crime under Polish law, or;
- constitutes a threat to the defence or security of the state or to the protection of public safety and order, or;
- he/she incited or otherwise participated in committing the crimes or acts referred to above.

A foreigner who before commencing on the territory of the Republic of Poland committed a punishable offense, which according to Polish law is a criminal offense punishable by imprisonment, may be refused a humanitarian residence permit if he/she left the country of origin only to avoid punishment.

III. Withdrawal of consent

The foreigner agrees to stay for humanitarian reasons, if:

- the circumstances by which consent has been given cease to exist or have changed in such a way that consent is no longer required, or;
- circumstances justifying the refusal to grant consent arose after its granting, or;
- it will come to light that the foreigner has concealed information or documents or provided false information or documents of material importance for granting consent, or;
- the foreigner has left the territory of the Republic of Poland permanently, or;
- the foreigner returned to his/her country of origin.

A foreigner may be revoked for humanitarian reasons, if after it has been granted, the circumstances referred to in art. 349 par. 2 of the Act on Foreigners (he/she committed a punishable offense, which according to Polish law is a crime punishable by imprisonment, and he/she left the country of origin only to avoid punishment).

9. Permitted tolerated stay

I. Terms of granting

Consent for tolerated stay on the territory of the Republic of Poland is granted to a foreigner if the obligation to return:

- can only take place in a country in which, in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drafted in Rome on November 4, 1950 if:
 - his/her right to life, liberty and personal security would be at risk
 - he/she could be subjected to torture or inhuman or degrading treatment or punishment, or
 - he/she could be forced to work, or;
 - he/she could be deprived of the right to a fair trial or punished without a legal basis
- where there are circumstances to refuse him or her to be allowed to reside for humanitarian reasons as referred to in point 8.II of the procedure
- is unenforceable for reasons beyond the control of the competent authority for the compulsory enforcement of the decision to oblige the foreigner to return and from the foreigner, or;
- it may only take place to the state to which it is not admissible pursuant to a court decision or due to the decision of the Minister of Justice regarding the refusal to issue a foreigner.

II. Refusal of consent

Granting permission for tolerated stay is denied to a foreigner in cases where there is no possibility of extradition or extradition, if his/her stay in the territory of the Republic of Poland may pose a threat to the defence or security of the state or to protect public safety and order.

III. Withdrawal of consent

Consent for tolerated stay is withdrawn, by way of a decision, when:

- the reason for giving consent will cease, or;
- the foreigner has left the territory of the Republic of Poland, or;
- the foreigner's continued stay may pose a threat to the defence or security of the state or the protection of public safety and order - in the case of consent for tolerated stay granted due to the lack of the possibility of expulsion or extradition prohibition.
- the foreigner evades the obligations imposed on him/her in the decision on granting consent, referred to in point IV of the procedure - in the case of consent for tolerated stay granted in connection with the lack of the possibility of expulsion or extradition prohibition.

IV. Obligations of a foreigner with tolerated stay

The decision on granting a permit to a foreigner for tolerated stay obliges the foreigner to report at specified intervals to the commandant of the Border Guard unit or the commandant of the Border Guard post, indicated in the decision or appropriate for the place of the current stay of the foreigner and to inform him/her of any change to his/her place of residence.

10. Expiration of tolerated stay or humanitarian stay

The decision on granting a permit to a foreigner for humanitarian or tolerated stay permit expires by law from the date:

- granting him/her refugee status or subsidiary protection, or;
- of his/her acquisition of Polish citizenship, or;
- a written notification by the Border Guard authority of a waiver of the right to use a humanitarian permit or a permit for tolerated stay, respectively, or;
- obtaining a permanent residence permit.

The decision on granting a permit for a tolerated stay to the foreigner also expires by law upon the date of his/her consent for stay for humanitarian reasons.

FREE EXPATCH