

integration and education

caring for

Legalization of stay in Poland



PROJEKT „RESTART” JEST WSPÓLFINANSOWANY
ZE ŚRODKÓW PROGRAMU KRAJOWEGO FUNDUSZU AZYLU,
MIGRACJI I INTEGRACJI ORAZ BUDŻETU PAŃSTWA
BEZPIECZNA PRZYSTAN



Wrocław miasto spotkań

Introduction

This publication will help you to learn about the types of residence permit in Poland, in particular visa, visa-free regime, temporary and permanent residence card and EU long-term resident card, the procedure and conditions for obtaining it.

We hope that this up-to-date and accessible legal knowledge contained in the handbook will become a useful source of information for both migrants and people working with them.

The textbook was published as part of reSTART project

Beneficiaries: foreigners from third (non-EU) countries, legally residing in Poland; local communities and the general society (including teachers, institutions, organisations, employers)

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**Supporting
migrants
throughout
Lower Silesia**



Projekt "reSTART" jest współfinansowany z Funduszu Azyłu, Migracji i Integracji oraz budżetu państwa

Legalization of residence is the basic issue of moving to another country for the purpose of permanent residence or even short-term work. Not everyone knows what administrative processes are in force in Poland and whether everyone has this possibility to legalize. In this part of this brochure, we want to present all the possibilities of legalizing a foreigner's stay in Poland and how to use them.

1. Stay under the visa-free regime

The period of stay in the territory of the Schengen states under the visa-free regime may **not exceed 90 days during each 180-day period** (the total period of stay in the territory of all Schengen states, including Poland, is counted).

The countries of the Schengen area include:

Austria, Belgium, Denmark, Finland, France, Greece, Spain, Luxembourg, Netherlands, Germany, Portugal, Sweden, Italy, Estonia, Lithuania, Latvia, Malta, Poland, Czech Republic, Slovakia, Slovenia, Hungary, as well as Switzerland, Liechtenstein, Norway and Iceland.

However, the introduction of visa-free travel does not mean the cessation of border control, which consists in checking whether the foreigner meets the conditions for entry and stay in the territory of the host country.





2. Stay under a visa

Citizens of non-EU countries who do not have the right to enter under the visa-free regime and who do not have any other document authorizing them to enter are required to have a visa. Visa certifies the consent of the authorities of the country for the entry and stay of a specific person on its territory.

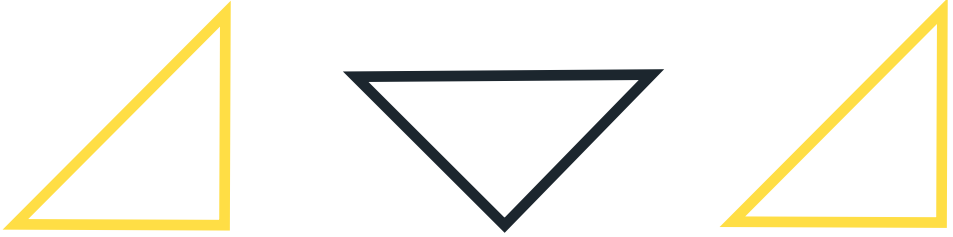
Note: A foreigner with a valid visa may be refused entry to the territory of Poland by the Border Guard. The visa may also be annulled or revoked at the border.

Types of visas

A foreigner can obtain a Schengen visa or a national visa.

Schengen visa, marked with the symbol „C” - issued to foreigners who intend to stay in Poland or the Schengen countries (during one or several entries) up to 90 days within 180 days. This period is counted from the date of the first entry.

This visa is also issued to those foreigners who plan to travel within the Schengen territory for the purpose of transit (by train, car).



National visa, marked with the symbol „D“ - entitling to entry and continuous stay in Poland or several consecutive stays, lasting in total longer than 3 months. The period of validity of a national visa may not exceed 1 year.

The period of stay on the basis of a visa is determined in accordance with the purpose of stay indicated by the foreigner.

The purpose of the visa

The purpose of issuing the visa is marked on the visa sticker with **one of the following numbers**:

- 1) Tourist;
- 2) Visiting family or friends;
- 3) participation in sports events;
- 4) Running a business;
- 5) Performing work for a period not exceeding 6 months in the next 12 months, on the basis of a declaration on entrusting work to a foreigner entered in the register;
- 5a) Performing seasonal work for a period not exceeding 9 months in a calendar year;
- 6) Performing work other than that specified in items 5 and 5a (on the basis of a work permit);
- 7) Conducting cultural activities or participating in conferences;
- 8) performance of official tasks by representatives of an authority

- of a foreign state or an international organization;
- 9) Completing first-cycle studies, second-cycle studies or uniform master's studies or education at a doctoral school;
 - 10) vocational training;
 - 11) Education or training in a form other than that specified in points 9 or 10 (e.g. for the purpose of studying at a post-secondary school);
 - 12) Didactic;
 - 13) Conducting research or development works;
 - 13a) To complete an internship;
 - 13b) Participation in the European Voluntary Service program;
 - 14) Transit;
 - 15) Air transit;
 - 16) Treatment;
 - 17) Joining a citizen 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 or staying with him;
 - 18) Participation in a cultural or educational exchange program, humanitarian aid program or a summer work program;
 - 18a) Arrival on the territory of the Republic of Poland as a member of the immediate family of the repatriate;
 - 19a) Arrival in the territory of the Republic of Poland as a member of the immediate family of a person residing in Poland on the basis of a permanent residence permit obtained on the basis of a Pole's Card;
 - 20) Using the rights resulting from the possession of the Pole's Card;
 - 21) Repatriation;
 - 22) Use of temporary protection;



- 23) Arrival due to humanitarian reasons, due to state interest or international obligations;
- 24) Implementation of a temporary residence permit for the purpose of family reunification;
- 24a) Implementation of a temporary residence permit in order to perform work under the intra-corporate transfer;
- 25) Other than specified in points 1-24a.

Note: in some of the above-mentioned cases, visas can be issued only as national or only as Schengen visas. In the case of transit (points 14 and 15), a visa can only be issued as a Schengen visa. The visa may be issued only as a domestic visa, inter alia, in the case of exercising the rights resulting from the possession of the Pole's Card.

A foreigner is obliged to leave Poland before the expiry of the period of stay covered by the visa and before the expiry of this visa, unless he has another valid document entitling him to stay in this territory.

3. Submission of documents for a residence permit

If the deadline for submitting the application for granting a residence permit to a foreigner has been met and the application has no formal defects or formal defects have been corrected on time - the Voivode places a stamp in the foreigner's travel document confirming the submission of the application for a temporary residence permit;



Note: the stay of a foreigner on the territory of the Republic of Poland is considered legal from the date of submitting the application to the date on which the decision on granting a residence permit becomes final.

Placing the stamp in the travel document **does not entitle the foreigner to travel within the territory of other Schengen countries**, while the foreigner may travel to the country of origin, but to return to Poland, he or she is to obtain a visa, if he comes from a country subject to visa requirements.

4. Temporary residence permit (temporary residence card)

A temporary residence permit is generally granted for a period **from 3 months to 3 years**.

The foreigner submits the application in person, no later than on the last day of legal stay in the territory of the Republic of Poland, to the Voivode competent for the foreigner's place of stay.

Note: in the case of a foreigner who is a minor, the application for a temporary residence permit is submitted by parents or guardians appointed by the court.

Important: when submitting an application for a temporary residence permit to a foreigner who is a minor, who has turned 6 by the date of submitting the application, his presence is required.

Charge:

The stamp duty depends on the purpose of the foreigner's stay in Poland.

- **PLN 340** - the standard stamp duty (PLN 440 from the „work” basis).
- **PLN 50** - fee for issuing a residence card.
- **PLN 25** - for an underaged foreigner who, by the date of submitting the application for a temporary residence permit, has not reached the age of 16, is entitled to a discount in the fee for issuing a residence card.

Necessary documents:

- an application form for granting a temporary residence permit, appropriate for the purpose of stay, completed in accordance with the instructions;
- four recent photos;
- a photocopy of a valid travel document (original available for inspection);
- documents confirming the circumstances indicated in the application.



Important: Lack of any of the above documents will result in the call of the foreigner to its supplementation within not less than 7 days from the delivery of the request, under pain of leaving the application without examination.

Documents drawn up in a foreign language, serving as evidence in the proceedings, should be submitted together with their translation into Polish, made by a sworn translator.

Note: If there is a need to clarify the evidence held by the authority in the case during the proceedings, the foreigner may be requested to provide additional documents or to testify confirming the circumstances referred to in the application.

Time to settle the matter

If the applicant wants the matter to be dealt with **immediately**, he must present and attach to the application the necessary evidence. The evidence has to be attached to the application. If the authority has to gather evidence for the case, it has **1 month** to issue a decision. However, if the matter is very complicated, the authority has **2 months** to issue a decision.

A foreigner who has obtained a temporary residence permit on the territory of Poland is issued a residence card. During its validity period, the residence card confirms the identity of the foreigner during his stay in the territory of the Republic of Poland and entitles him, together with the travel document, to multiple border crossings without the need to obtain a visa.

The temporary residence permit shall expire on the day the foreigner obtains another temporary residence permit, permanent residence permit, long-term resident's EU residence permit or Polish citizenship.



5. Permanent residence permit (permanent residence card)

A permanent residence permit is granted for an indefinite period.

A permanent residence permit is granted to a foreigner for an indefinite period, at his/her request, if:

1) **is a child of a foreigner who has been granted a permanent residence permit or a long-term resident's EU residence permit** under his parental authority:

- was born after the foreigner was granted a permanent residence permit or a long-term resident's EU residence permit or
- was born during the period of validity of the temporary residence permit granted to that foreigner or during the period of this foreigner's stay 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 in connection with granting him refugee status or subsidiary protection, or

2) **is a child of a Polish citizen remaining under his parental authority**, or

3) **is a person of Polish origin and intends to settle in the territory of the Republic of Poland permanently**, or

4) **is married to a Polish citizen, recognized by the law of the Republic of Poland**, and has been married for at least 3 years before the date on which he submitted the application for a permanent residence permit, and immediately before submitting this application, he/she stayed continuously in the territory The Republic of Poland for a period of not less than 2 years on the basis of a temporary residence permit granted in connection with being married to that Polish citizen or in connection with obtaining refugee status, subsidiary protection or consent to stay for humanitarian reasons, or

5) **is a victim of human trafficking** within the meaning of art. 115 § 22 of the Criminal Code a) stayed in the territory of the Republic of Poland immediately before submitting the application for a permanent residence permit for a period of at least 1 year on the basis of a temporary residence permit for victims of trafficking in human beings, b) cooperated with law enforcement agencies in criminal proceedings in the case of the offense referred to in art. 189a § 1 of the Penal Code, c) has reasonable concerns about returning to the country of origin, or

6) immediately before submitting the application for granting him a permanent residence permit, **he/she has been continuously on the territory of the Republic of Poland** for a period of not less than: a) 5 years in connection with granting him refugee status, subsidiary protection or on the basis of a residence permit for humanitarian reasons or b) 10 years on the basis of the permit for tolerated stay granted pursuant to art. 351 points 1 or 3, or c) 4 years on the basis of a temporary residence and work permit granted due to the purpose referred to in art. 114 paragraph. 1a, and has a source of stable and regular income sufficient to cover the cost of living for himself and for dependent family members, or


7) he was **granted asylum on the territory of the Republic of Poland**, or

8) **has a valid Pole's Card** and intends to settle permanently in the territory of the Republic of Poland, or

9) **is a citizen of the United Kingdom or a member of his family** within the meaning of art. 2 point 4 of the Act of 14 July 2006 on the entry into the territory of the Republic of Poland, residence and departure from this territory of citizens of the European Union Member States and their family members who stay on the territory of the Republic of Poland together with the citizen who on the day preceding the day entry into force of the Act of March 15, 2019 on the regulation of certain issues in connection with the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community without concluding the agreement referred to in Art. 50 sec. 2 of the Treaty on European Union, had the right of residence in the territory of the Republic of Poland and meets the following conditions:

- has been staying in the territory of the Republic of Poland legally and continuously for at least 5 years immediately before submitting the application,
- has a stable and regular source of income sufficient to cover the maintenance costs of himself and his dependent family members,
- has health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds or confirmation that the insurer covers the costs of treatment in the territory of the Republic of Poland.





The foreigner submits the application in person, **no later than on the last day of legal stay** in the territory of the Republic of Poland, to the Voivode competent for the foreigner's place of stay.

Note: in the case of a foreigner who is a minor, the application for a temporary residence permit is submitted by parents or guardians appointed by the court.

Important: when submitting an application for a temporary residence permit to a foreigner who is a minor, who has turned 6 by the date of submitting the application, his presence is required.

Charge:

- **PLN 640** - services.
- **PLN 50** - fee for issuing a residence card.
- **PLN 25** - an underaged foreigner who, by the date of submitting the application for a permanent residence permit, has not reached the age of 16, is entitled to a discount in the fee for issuing a residence card.

Necessary documents:

- an application form for granting a permanent residence permit completed in accordance with the instructions;
- four recent photos 3,5 x 4,5 cm;
- a photocopy of a valid travel document (original available for inspection);
- **documents confirming the circumstances indicated in the application.**

Note: Lack of any of the above-mentioned documents will result in the call of the foreigner to its supplementation within not less than 7 days from the date of delivery of the request under the pain of leaving the application without examination.

Attaching the documents listed below to the application when submitting it may reduce the amount of official correspondence and shorten the time of handling the case. Documents drawn up in a foreign language, serving as evidence in the proceedings, should be submitted together with their translation into Polish, made by a sworn translator.

Important: If there is a need to clarify the evidence held by the authority in the case during the proceedings, the foreigner may be requested to provide additional documents or to testify confirming the circumstances referred to in the application.

The procedure for granting a permanent residence permit to a foreigner should be completed **no later than within 3 months** from the date of its initiation.

A foreigner who has obtained a permanent residence permit on the territory of Poland is issued a residence card. The first residence card is issued ex officio by the Voivode who granted the foreigner a permanent residence permit for a period of 10 years from the date of its issuance. Before the expiry of the validity period, you must obtain another residence card.

Right to work

A foreigner who has a permanent residence permit is entitled to work in the territory of Poland without the need for a work permit. In the residence card issued in connection with the granting of a permanent residence permit to the foreigner, the annotation „access to the labor market“ is included.

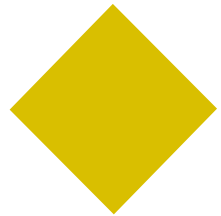
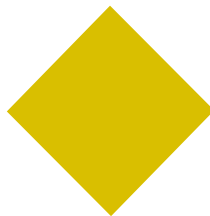
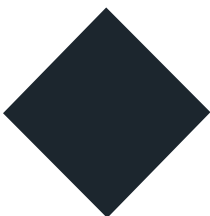
6. Long-term resident's EU residence permit (EU resident card)

For a foreigner who has been staying in the territory of the Republic of Poland legally and continuously for **at least 5 years exactly before submitting the application** for granting this permit and meets the following conditions jointly:

- has a source of stable and regular income sufficient to cover the living costs of himself and his dependent family members;
- has health insurance as defined in the Act of 27 August 2004 on health care services financed from public funds or confirmation that the insurer covers the costs of treatment in the territory of the Republic of Poland;
- has a confirmed knowledge of the Polish language.

This permit is granted for **an indefinite period**.

Important: the required 5-year period of stay in the territory of Poland includes the total period of legal stay in the territory of the European Union, if the foreigner has stayed **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 with the annotation „EU Blue Card”, including in Poland - for at least 2 years immediately before submitting the application for a long-term resident's EU residence permit on the basis of a temporary residence permit for the purpose of performing work in a profession requiring high qualifications.



Foreigners who stay in Poland in order to study, cannot apply for a long-term resident's EU residence permit. Also, foreigners staying in Poland in connection with the intention to undertake or continue education cannot apply for this permit. The 5-year period of residence, which is a condition for obtaining a permit, includes half of the period of stay on the basis of a visa issued for the purpose of study or on the basis of a temporary residence permit for the purpose of studying.

Note: in the case of foreigners who have the refugee status, half of the period of stay on the territory of the Republic of Poland is counted during the procedure for granting the refugee status or the entire period of stay on the territory of the Republic of Poland during the procedure for granting the refugee status, if it exceeds 18 months.

A foreigner's stay is considered uninterrupted if any of the breaks in it:

- was not longer than 6 months, all breaks did not exceed 10 months in total in the case of a stay in 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 case of a foreigner holding a temporary residence permit in the territory of another EU Member State in order to work in a profession requiring high qualifications.

The period of stay required to obtain this permit is not interrupted by periods of absence from Poland due to:

- the performance of professional duties by the foreigner or the provision of work outside the territory of the Republic of Poland on the basis of an agreement concluded with an employer whose seat is in the territory of the Republic of Poland, or
- accompanying the foreigner referred to in point 1 by his spouse or minor child, or

- a special personal situation requiring the foreigner's presence outside the territory of the Republic of Poland and lasted no longer than 6 months, or leaving the territory of the Republic of Poland in order to undergo internships or participate in classes provided for in the course of studies at a Polish university.

Where and when to submit the application

The foreigner submits the application in person, no later than on the last day of legal stay in the territory of the Republic of Poland, to the Voivode competent for the foreigner's place of stay.

Note: in the case of a foreigner who is an underaged, the application for granting him a long-term EU residence permit is submitted by parents or guardians appointed by the court.

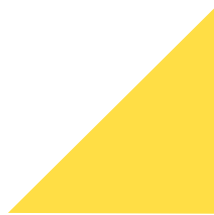
When submitting an application for granting a long-term EU residence permit to a foreigner who is a minor, who has reached the age of 6, his presence is required.

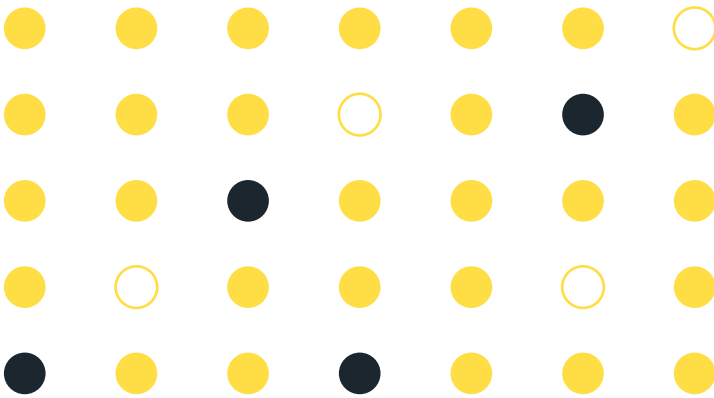
Charge:

PLN 640 - service charges.

PLN 50 - fee for issuing a residence card.

PLN 25 - an underaged foreigner who, by the date of submitting the application for a long-term resident's EU residence permit, has not reached the age of 16, is entitled to a discount in the fee for issuing a residence card.





Necessary documents:

- completed in accordance with the instructions application form for granting a long-term resident's EU residence permit;
- four recent photos 3,5 x 4,5 cm;
- a photocopy of a valid travel document (original available for inspection);
- documents confirming that I meet the conditions;
- documents confirming the circumstances indicated in the application.

Note: lack of any of the above-mentioned the documents will result in the call of the foreigner to its supplementation within 7 days from the delivery of the request under the pain of leaving the application without examination.

The procedure for granting a foreigner a long-term resident's EU residence permit should be completed not later than within **3 months from the date of its initiation.**

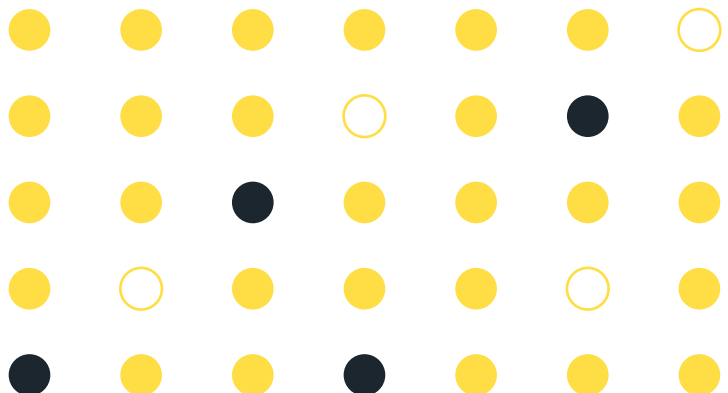
Document issued after obtaining this permit

A foreigner who has obtained a long-term resident's EU residence permit on the territory of Poland is issued **a residence card**. During its validity period, the residence card confirms the identity of the foreigner during his stay in the territory of the Republic of Poland and entitles him, together with the travel document, to multiple border crossings without the need to obtain a visa.

The first residence card is issued ex officio by the Voivode who granted the foreigner a long-term resident's EU residence permit for a period of 5 years from the date of its issuance. Before the expiry of the validity period, you must obtain another residence card.

A foreigner who has a long-term resident's EU residence permit is entitled to work in the territory of Poland **without the need for a work permit**.

The residence card, issued in connection with granting the foreigner a long-term resident's EU residence permit, includes the annotation „**access to the labor market**”.



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WRO

MIGRANT

Information and activity points for migrants
Consultations in 4 languages: EN, UA, RU, PL

Wrocław Center for Social Development (Wrocław Old Town) Pl. Dominikański 6 Monday-Friday 9.00 am - 4.30 pm

Tarnogaj Community Center CAT (Tarnogaj)

ul. Gazowa 22
Thursday 4.00-7.00 pm

FAMA Library and Community Center (Psie Pole)

ul. Bolesława Krzywoustego 286
Friday 4.00-7.00 pm

Contact: wromigrant@wcrs.wroclaw.pl

tel. +48 71 77 24 950, +48 735 969 992,
+48 538 579 521, +48 538 579 555

Messenger: m.me/wromigrant

Note! WroMigrant information points Stare Miasto, Tarnogaj, Psie Pole are currently not accepting direct visits. We can assist you only remotely by phone, e-mail and mobile apps from Monday to Friday from 9:00 to 16:30.



**Supporting
migrants
throughout
Lower Silesia**



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