

## LEGALISATION OF STAY.

GENERAL PRINCIPLES OF ACQUIRING THE RESIDENCE PERMITS  
IN POLAND BY THIRD-COUNTRY NATIONALS



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This brochure contains only the general guidelines concerning the opportunity of acquiring of residence permits in Poland by foreigners. This information does not constitute any source of law. The authors acted with due diligence to ensure its compliance with the legal regulations in force. It should be remembered however that this publication focuses on typical and most frequent situations and cannot fully address the individual cases. The number and type of documents that may be required by the administrative authorities during the procedure can vary from documents specified in this publication depending on the case.

Information provided in this brochure shall not apply to the nationals of the EU Member States other than Poland, Great Britain, Norway, Island, Liechtenstein and Switzerland and their family members or beneficiaries of the Withdrawal Agreement of the United Kingdom from the European Union.

Detailed regulations laying down the principles of entry and stay of the foreigners at the territory of Poland are provided in the Act of 12 December 2013 on the foreigners. The other acts can specify the solutions concerning the specific issues e.g. lay down the principles of taking up employment by the foreigners or the principles of conducting a business activity by the foreigners.

Detailed information specifying the principles of administrative procedure for the foreigners is laid down by the Act of 14 June 1960 – Code of administrative procedure.

In case of any doubts, please contact the department competent for the foreigners in the voivodeship office of your place of residence. Addresses to the voivodeship offices are provided in the last section of this brochure.



## GENERAL PRINCIPLES OF THE PROCEDURE FOR GRANTING THE RESIDENCE PERMIT IN POLAND

### ***What is the basis to reside in Poland legally?***

You can legally reside in Poland on the basis of visa, within visa-free regime, provided that you are entitled to such travel under the international agreements and other international documents, on the basis of a residence permit that includes the temporary residence permit, permanent residence permit and long-term resident - EU permit as well as on the basis of a residence permit issued by the other Schengen state.

### ***When and to whom I should apply for a residence permit?***

Application for residence permit should be submitted personally to a voivode competent for the place of your residence on the last day of your legal stay in Poland at the latest.

When applying for a residence permit, you need to provide your fingerprints. Any failure to do so will result in refusal of the voivode to proceed in your case.



### NOTE

#### **Application for granting:**

**a temporary residence permit for the purpose of family reunification is submitted by a foreigner living in Poland, to whom the member of his/her family living outside Poland intends to come up;**

**a temporary residence permit for the purpose of performing work in the framework of an intra-corporate transfer is submitted by the host entity, in which the foreigner is intended to work.**

### ***How does the application form look like, what documents should I enclose?***

The application for residence permit is submitted using a dedicate form available on the official website of the Office for Foreigners and on the official websites of the voivodeship offices. Paper forms are available in the voivodeship office in which you will submit your application form.

The application form should be completed entirely in Polish.

To each application form, you need to:

1. enclose 4 photos meeting the applicable criteria;
2. present your travel document for inspection (in particularly justified case, where you hold no valid travel document and have no option of acquiring such document, you can present the other document confirming your identity);
3. documents confirming the purpose of your stay in Poland;
4. proof of payment for issuing the permit.

In vast majority of cases you should additionally present the documents confirming that you have:

1. a source of stable and regular income sufficient to cover livelihood of you and of each of your family members being your dependants (for a single person – net PLN 701, for a family – net PLN 528 / month per person);
2. documents confirming that you are a holder of health insurance pursuant to the Act of 27 August 2004 on healthcare services financed from public funds or confirmation of reimbursement of costs of treatment at the territory of the Republic of Poland by the insurer, for example the employee insurance, voluntary health insurance in the National Health Fund or commercial health insurance;
3. ensured accommodation.

Remember that the additional documents that should be enclosed apart from the ones referred to above, depend on the type of a residence you apply for. Regardless of the above, the person proceeding in your case, can ask you for providing additional

documents.

### ***How long will I wait for a residence permit?***

Each case is examined on its own merits. Duration of the procedure depends on its level of complexity, the number of enclosed documents and on the number of documents you might be asked to provide as well as on the burden of public administration authority with your case.

### ***When awaiting for a residence permit, is my stay in Poland legal?***

If you applied for a residence permit during your legal stay in Poland and provided that your application contained no formal defects or such defects were eliminated in due time, the voivode places a stamp in your passport confirming that the application for residence permit is duly submitted and your stay in Poland is legal from the day of submitting the application to the day of making a final decision in your case.

### ***When awaiting for a residence permit, can I go home or for a trip to the other Schengen state for a couple of days?***

If you are awaiting for a residence permit, you can go to your country of origin at any time. Please remember that your return to Poland depends on compliance with the general entry requirements i.e. you must hold a valid visa or the right to entry within the visa-free travel and, in addition, you cannot exceed the permitted period of stay in the Schengen zone, which is 90 days in each 180-day period.

If you wish to leave for a couple of days to the other Schengen state (e.g. Germany, France, Czech Republic or Austria), you must remember that your stay in the period of awaiting for a residence permit is considered legal only in Poland. The stamp put in your passport entitles you to no legal departure and stay in any other Schengen state. In the case of leave, you must hold a valid visa, unless you are entitled to stay in the Schengen zone in visa-free travel and you have not exceeded the permitted length of stay i.e. 90 days in each 180-day period. Remember however that the stay in Poland is always the stay in the Schengen zone.

### ***Can the voivode refuse to issue a residence permit?***

You will receive no residence permit (as a matter of principle), when:

1. you fail to meet the requirements for issuing of a given type of permit,
2. your data are entered into the list of undesired foreigners or in the Schengen for the purposes of refusal of entry,
3. it is required by national defence or security or public order or international obligations of Poland,
4. you gave false testimony or presented false documents,
5. you have tax arrears in Poland,
6. you failed to return the costs related to obligation of return,
7. you submitted the application during illegal stay in Poland or you reside in Poland illegally.

The reason behind the refusal of residence permit may include other circumstances not listed above and corresponding to the type of applied permit.

### ***I do not agree with the voivode's decision, what options do I have?***

If you believe that the decision made by the voivode is wrong, you are entitled to appeal to the Head of the Office for Foreigners via the voivode, who issued the appealed decision, within 14 days from the day of receiving the decision on granting residence permit, on refusal to issue the permit, on withdrawal of an issued residence permit and on discontinuation of procedure in the abovementioned cases.

## TEMPORARY RESIDENCE PERMIT

### ***What is the purpose of a temporary residence permit?***

A temporary residence permit is issued or, in the cases provided for in the Act on the foreigners, may be issued for the purposes of:

- employment;
- employment in a profession requiring high qualifications;
- employment within intra-corporate transferee;
- for the purpose of long-term mobility:
- business activity;
- studies scientific research;
- for the purpose of long-term mobility of a researcher;
- for a graduate trainee;
- for a volunteer;
- for family members of the Polish nationals, family members of the foreigners and for the purpose of long-term mobility of family members of researchers;
- for the victims of human trafficking;
- due to circumstances requiring short-term residence;
- due to seasonal work;
- due to other circumstances.

### ***When should I apply for a temporary residence permit?***

If you want to stay in Poland for more than 3 months, you should apply for a temporary residence permit. In such case, you will have to demonstrate the need for your residence in Poland for the period exceeding 3 months and enclose the necessary documents confirming that you meet the conditions for issuing the temporary residence permit to your application.

The temporary residence permit is granted as a matter of principle for the period between 3 months and 3 years.

### ***I want to work in Poland, what permit should I apply for?***

If you want to work in Poland or perform a function in the management board of a legal entity subject to entry into the register of entrepreneurs, shares or stocks of which you do not hold, you should apply for a temporary residence and work permit. Application for issuing of such permit must be enclosed with, apart from general documents, appendix 1 signed by your employer or a person authorised for representation and, in specific cases, information of a starost confirming that your employer is unable to satisfy the human resource needs on the local labour market.

### ***I want to conduct a business activity in Poland. What permit I should apply for?***

If you want to conduct your own business activity in Poland or take a position in the management board of a limited liability company or a joint-stock company that you have established or shares or stocks of which you have purchased, or manage the affairs of a limited partnership or limited joint-stock partnership as a general partner or become a commercial proxy in a company, in which you hold stocks or shares, you should apply for a temporary residence permit for the purpose of conducting a business activity. The application for issuing of this permit should be accompanied, apart from general documents, with a confirmation that the entity conducting a business activity generates a specific income or creates new jobs or has relevant measures or acts in a way enabling meeting the conditions specified in the Act on the foreigners in future.

### ***I have higher professional qualifications. What permit can I receive?***

If you completed higher education or have at least 5 years of professional experience at the level comparable with the level of qualifications obtained in effect of graduation from the higher education that are necessary to perform a specific profession and, in addition, if the amount of your minimum annual gross remuneration is not lower than

the equivalence of 150% of average remuneration in the national economy in the year preceding conclusion of the contract (you can check it on the Statistics Poland (GUS) website), you can apply for a temporary residence permit for the purpose of employment in the profession requiring high qualifications.

***My employer wants to delegate me to work in Poland. What permit I should apply for?***

If you are a person that performs work in his/her country of origin on permanent basis and you intend to be employed in Poland within a delegation by your employer having its seat outside Poland only for a certain period of time, you should apply for a temporary residence permit for posted employees. The application for issuing of this permit should be accompanied, apart from general documents, with work permit issued by a voivode on request of the employer for which you will work in Poland.

***I have heard about a temporary residence permit for the purpose of performing work in the framework of an intra-corporate transfer, can I apply for it?***

If you are to be temporarily posted to work in an enterprise situated in Poland as a member of management staff, specialist or trainee, and the seat of your employer is located outside the European Union and you work in such country, you should apply for temporary intra-corporate transferee permit. Please remember however that the application for issuing of such permit can be submitted only by the employer for which you will work in Poland and your place of residence at the time of submitting this application is located outside the European Union.

If you hold the temporary intra-corporate transferee permit issued by one of the Member States of the European Union and you perform your work under such transferee on permanent bases, however your employer wishes to delegate you to work in Poland for a certain time period, you should apply for a temporary residence permit to benefit from long-term mobility. Please remember however that the application for such permit must be submitted only by the employer for which you work in Poland by the last day of your legal stay in Poland at the latest.

***I want to work as a seasonal worker. Are there any special permits?***

If you entered the territory of Poland on the basis of visa for seasonal work or within free-visa travel with regard to application for issuing the seasonal work permit and you hold such permit or its prolongation, validity period of which is longer than the period of legal stay specified in the visa or within free-visa travel, you can apply for a temporary residence permit due to seasonal work. The permit is granted for the period of validity of your seasonal work permit or its prolongation however in any case not longer than 9 months from the date of first entry in a given calendar year.

***I want to take up studies or doctoral studies in Poland. What permit is required in my case?***

If you want to undertake or continue the full-time studies in Poland or doctoral studies you should apply for a temporary residence permit for the purpose of higher education. If you want to study in Poland on part-time basis or participate in vocational training e.g. in post-secondary schools, you should apply for a temporary residence permit due to other circumstances, which include also education.

***I want to perform scientific research in Poland, what permit should I obtain?***

If you hold at least a professional title corresponding the title of master degree or equivalent in Poland that enables access to doctoral studies and if you want to perform scientific research or developmental works under the hosting agreement for implementation of a research project entered into with a scientific unit having its seat in Poland, you should apply for a temporary residence permit for scientific research.

***I would like to undergo training in Poland, what kind of permit can I acquire?***

If you are a student or completed your studies within the last 2 years outside the EU and signed a training agreement with a host entity, you may apply for permit for this purpose. Please remember that the permit can be granted for the period of up to 6 months.

***I would like to enrol into European voluntary service, can I receive a permit on this basis?***

If you wish to participate in the European voluntary service programme, you may apply for permit for this purpose. Please remember that the permit can be granted for the period not exceeding 1 year.

***I completed studies in Poland or conducted scientific research or development. I wish to stay here but I'm currently looking for a job. Can I obtain a permit?***

If you are a graduate of any Polish university or completed scientific research or development in Poland and you are looking for a job or want to start up your own business, you may apply for a temporary residence permit on the basis of other circumstances. Please remember however that such permit can be issued only once, directly upon completion of studies or scientific research or development, and that such permit is granted for the period of 9 months.

***A member of my family is a Polish national, I wish to stay with him/her in Poland. What should I do?***

You can apply for a temporary residence permit for the family members of Polish nationals, if:

- you are a spouse of a Polish national and this marriage is recognised by the Polish law;
- you are a minor child of a foreigner and your parent is a spouse of a Polish national having a temporary or permanent residence permit due to marriage and this marriage is recognised by the Polish law;
- you are a child of a Polish national or his/her spouse and you are under 21 years of age or are a dependant of a Polish national or his/her spouse, or you are a parent of a Polish national or his/her spouse being a dependant of a Polish national or his/her spouse;
- you live a family life with a Polish national in the meaning of the provisions of the European Convention for the protection of human rights and fundamental freedoms and live with him/her in Poland;
- you are a relative of a Polish national other than spouse, children and parents and live with him/her in Poland due to financial dependence and you have lived with him/her in a household in your country or must live with him/her in Poland due to your health condition that requires personal care.

***A member of my family is a foreigner and resides in Poland legally. What can I do to join him/her?***

You can apply for a temporary residence permit to reunite with your family if you are a spouse of a foreigner and this marriage is recognised by the Polish law, minor child of a foreigner or his/her spouse, provided that this marriage is recognised by the Polish law, including a foster child, a parent or grandparent or an adult responsible for a minor child of a foreigner granted with a refugee or subsidiary protection status, who resides in Poland unaccompanied, a researcher who has been granted a permit for temporary residence for research or development.

Please remember however that the stay with a family member is possible only, when this foreigner resides in Poland is based on specific residence permits.

Please remember that the application for this permit is submitted by the member of your family, with whom you want to stay in Poland.

You can apply for this permit for your minor child also when you reside in Poland on the basis of national visa or temporary residence permit and your child was born within the validity period of this national visa or temporary residence permit.

***I have a status of human trafficking victim. Can I obtain a temporary residence permit?***

If you are a human trafficking victim and reside in Poland and established cooperation with the authority competent for proceeding in the crime of human trafficking, and in the case you are a minor – you have a victim status in the proceeding in the crime of human trafficking and withdrew from any contacts with suspects in this type of crimes, you can apply for a temporary residence permit for human trafficking victims.

***I need to stay in Poland due to exceptional circumstances. Will I receive a temporary residence permit?***

If you are obliged to appear before the Polish public authority or a unique personal situation or the interest of Poland requires our stay in Poland, you can apply for a temporary residence permit due to circumstances requiring such short-term stay.

Remember that this permit is granted for the period necessary to complete the purpose of stay, not exceeding 6 months, however can be also granted when the circumstances of applying for this permit fail to justify your stay in Poland for the period exceeding 3



months. The permit can be granted also when you stay in Poland illegally. Remember that residence on the basis of this permit does not enable applying for residence permit for the other purpose.

***Can I obtain a temporary residence permit due to family life and rights of the child?***

If your residence in Poland is necessary due to the need to respect the right to family right or if your departure from Poland infringes the rights of the child in a manner posing a significant threat to his/her mental and physical development and you stay in Poland illegally, you can apply for a temporary residence permit due to these circumstances.

***What are the other cases I can apply for a temporary residence permit?***

The temporary residence permit is issued also due to the other circumstances, where a foreigner:

- holds the long-term resident - EU permit granted by the other Member State of the European Union and wants to work in Poland, conduct a business activity, commence or continue studies or vocational education in Poland or demonstrates that there are other circumstances justifying his/her residence in Poland or is a family member of such foreigner and wants to live with him/her in Poland;
- is a Turkish national and can be employed in Poland;
- is a priest, a member of an order or a person fulfilling a religious function in a church or religious association, provided that his/her stay in Poland is correlated with this function or preparation for its fulfilment;
- intends to live with a migrant worker, referred to in the European Social Charter, as a family member.

Please remember that if your personal situation fails to justify applying for a temporary residence permit due to the purposes referred to above, you can demonstrate that there are other circumstances that justify your stay in Poland for the period exceeding 3 months.

## PERMANENT RESIDENCE PERMIT

### ***I have been living in Poland for many years, can I apply for a permanent residence permit?***

The permanent residence permit will be granted if you are:

- you are a child of a foreigner granted with a permanent residence permit or long-term resident - EU permit and you remain under parental authority and was born after your parent was granted with permanent residence permit or long-term resident - EU permit or was born within the period of his/her stay in Poland under the residence permit for humanitarian reasons or tolerated residence permit or with regard to granting a refugee or subsidiary protection status;
- you are a child of a Polish national remaining under his/her parental authority,
- you are a person of Polish origin or a holder of the Card of the Pole and intend to settle in Poland permanently;
- you are a spouse of a Polish national, and this marriage is recognised by the Polish law, for at least 3 years before the date of application and, directly prior to submitting of this application, you have resided in Poland continuously for the period of at least 2 years on the basis of a temporary residence permit granted due to marriage to this Polish national or due to granting of a refugee or subsidiary protection status or residence permit for humanitarian reasons
- you are a victim of human trafficking and stayed in Poland for a specific period of time and cooperated with the law enforcement authorities in a penal proceeding and are afraid of returning to your country;
- directly prior to submitting of this application you have resided in Poland continuously for the period of at least 5 years with regard to granting of a refugee or subsidiary protection status or residence permit for humanitarian reasons or 10 years on the basis of tolerated residence permit or you were granted asylum in Poland.

## LONG-TERM RESIDENT - EU PERMIT

### ***I have been living in Poland for many years but I cannot apply for a permanent residence permit. Is there any other permit granted for an undefined period of time?***

If you cannot apply for a permanent residence permit and you stay in Poland legally and continuously for the period of at least 5 years directly prior to submitting an application, you can apply for a long-term resident - EU permit which is granted for an undefined period of time.

Please remember however that you must confirm knowledge of Polish language by enclosing the relevant documents.

Please note that the 5-year period of residence in Poland includes:

- total period of legal stay at the territory of the Republic of Poland, provided you're your residence was legal and continuous for at least 5 years, on the basis of a residence document issued by the Member State of the European Union and annotated as the "EU Blue Card", including the period of stay in Poland for at least 2 years directly before submitting the application on the basis of a temporary residence permit for employment in the profession requiring high qualifications;
- the entire length of stay in Poland under the proceeding for granting of international protection, provided that that period exceeds 18 months;
- a half of the period of stay in Poland on the basis of visa issued for completion of studies, doctoral studies or professional training, on the basis of temporary residence permit issued for completion of studies, doctoral studies or professional training, as well s under the proceeding for granting of international protection.

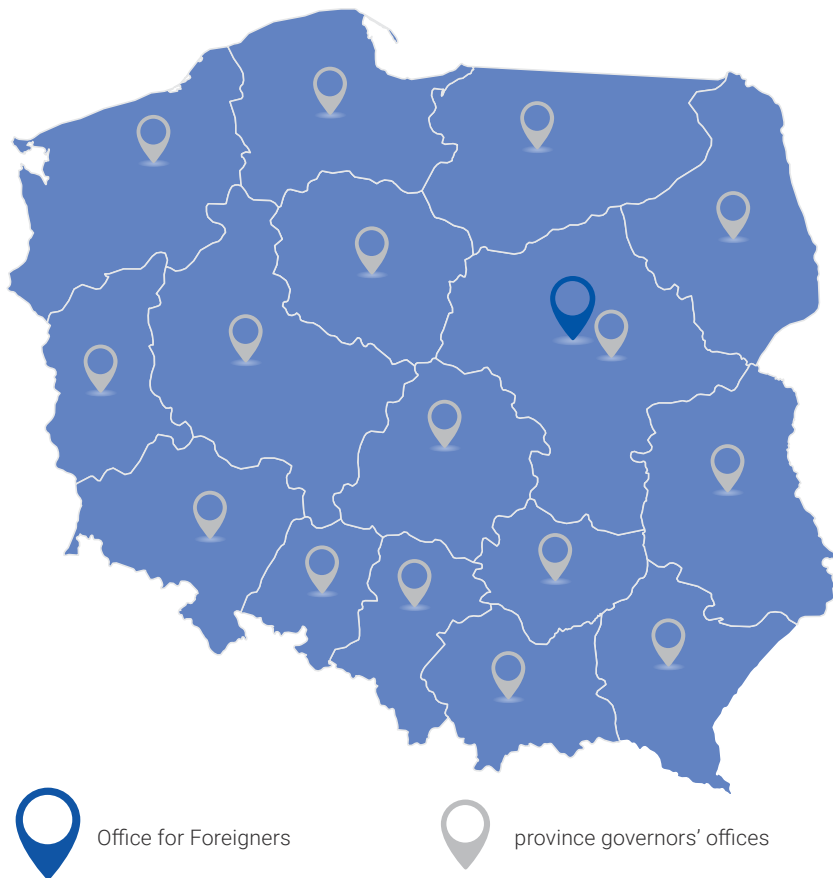
## MOBILITY

The foreigners may stay in Poland on the basis of residence permits or long term visas with "ICT", "student" and "researcher" annotations issued by the other EU member state without the need to obtain a temporary residence permit, provided that their stay is related to:

- short-term mobility of a manager, specialist or graduate trainee, within the framework of intra-corporate movement, lasting up to 90 days within any 180-day long period;
- mobility of student for the purpose of continuation or taking up supplementary studies started at the territory of the other EU member state lasting up to 360 days;
- short-term mobility of a researcher for the purpose of conducting scientific research or development in a scientific unit having its seat at the territory of Poland in the period of 180 days within any 360-day long period;
- mobility of a family member of a researcher conducting a part of scientific research or development in a scientific unit having its seat at the territory of Poland in the period of 180 days within any 360-day long period.

The foreigners may stay in Poland within the mobility activities, provided that the Head of the Office for Foreigners is notified of their intended stay and no decision on the objection is issued. In addition, in the case of foreigners using the student and researcher mobility, the university or scientific unit having its seat in Poland, in which the foreigners intend to continue or take up supplementary studies and conduct a part of research or development, must be approved by the Minister of Interior and Administration for the purpose of accepting the foreigners.

## KEY CONTACT DATA



Visit our official website [www.udsc.gov.pl](http://www.udsc.gov.pl) (Foreigners tab) and official websites of the individual voivodeship offices



## CONTACT DATA OF THE OFFICE FOR FOREIGNERS

### Office for Foreigners

ul. Taborowa 33, 02-699 Warszawa  
tel. 47 721 75 75  
fax. 47 721 74 19  
e-mail: [legalizacjapobytu@udsc.gov.pl](mailto:legalizacjapobytu@udsc.gov.pl)

[www.udsc.gov.pl](http://www.udsc.gov.pl)  
[www.migracje.gov.pl](http://www.migracje.gov.pl)  
[www.cudzoziemcy.gov.pl](http://www.cudzoziemcy.gov.pl)

## CONTACT DATA OF THE PROVINCE GOVERNORS' OFFICES

### Office of the Lower Silesian Voivodeship, Department of Citizens Affairs and Foreigners

Plac Powstańców Warszawy 1  
50-951 Wrocław  
[www.duww.pl](http://www.duww.pl)

### Office of the Kuyavian-Pomeranian Voivodeship, Department of Citizens Affairs and Foreigners

ul. Jagiellońska 3  
85-950 Bydgoszcz  
[www.bydgoszcz.uw.gov.pl](http://www.bydgoszcz.uw.gov.pl)

### Office of the Lublin Voivodeship, Department of Citizens Affairs and Foreigners

ul. Spokojna 4  
20-914 Lublin  
[www.lublin.uw.gov.pl](http://www.lublin.uw.gov.pl)

### Office of the Lubusz Voivodeship, Department of Citizens Affairs and Foreigners

ul. Jagiellończyka 8  
66-400 Gorzów Wielkopolski  
[www.lubuskie.uw.gov.pl](http://www.lubuskie.uw.gov.pl)

### Office of the Lodz Voivodeship, Department of Citizens Affairs and Foreigners

ul. Piotrkowska 103  
90-425 Łódź  
[www.lodz.uw.gov.pl](http://www.lodz.uw.gov.pl)

### Office of the Lesser Poland Voivodeship, Department of Citizens Affairs and Foreigners

ul. Przy Rondzie 6  
31-547 Kraków  
[www.malopolska.uw.gov.pl](http://www.malopolska.uw.gov.pl)

### Office of the Mazovian Voivodeship, Department of Foreigner Affairs

ul. Marszałkowska 3/5  
00624, Warszawa  
[www.mazowieckie.pl](http://www.mazowieckie.pl)

### Office of the Opole Voivodeship, Department of Citizens Affairs and Foreigners

ul. Piastowska 14  
45-082 Opole  
[www.opole.uw.gov.pl](http://www.opole.uw.gov.pl)

### Office of the Subcarpathian Voivodeship, Department of Citizens Affairs and Foreigners

ul. Grunwaldzka 15  
35-959 Rzeszów  
[www.rzeszow.uw.gov.pl](http://www.rzeszow.uw.gov.pl)

### Office of the Podlasie Voivodeship, Department of Citizens Affairs and Foreigners

ul. Mickiewicza 3  
15-213 Białystok  
[www.gov.pl/web/uw-podlaski](http://www.gov.pl/web/uw-podlaski)

### Office of the Pomeranian Voivodeship, Department of Citizens Affairs and Foreigners

ul. Okopowa 21/27  
80-810 Gdańsk  
[www.gdansk.uw.gov.pl](http://www.gdansk.uw.gov.pl)

### Office of the Silesian Voivodeship, Department of Citizens Affairs and Foreigners

ul. Jagiellońska 25  
40-032 Katowice  
[www.katowice.uw.gov.pl](http://www.katowice.uw.gov.pl)

### Office of the Świętokrzyskie Voivodeship, Department of Citizens Affairs and Foreigners

Al. IX Wieków Kielc 3  
25-516 Kielce  
[www.kielce.uw.gov.pl](http://www.kielce.uw.gov.pl)

### Office of the Warmia and Mazurian Voivodeship, Department of Citizens Affairs and Foreigners

Al. Marszałka Józefa Piłsudskiego 7/9  
10-575 Olsztyn  
[www.uw.olsztyn.pl](http://www.uw.olsztyn.pl)

### Office of the Greater Poland Voivodeship, Department of Citizens Affairs and Foreigners

ul. Pl Wolności 17  
61-739 Poznań  
[www.poznan.uw.gov.pl](http://www.poznan.uw.gov.pl)

### Office of the Western Pomeranian Voivodeship, Department of Citizens Affairs and Foreigners

ul. Wały Chrobrego 4  
70-502 Szczecin  
[www.szczecin.uw.gov.pl](http://www.szczecin.uw.gov.pl)



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