

## **I. ENTRY INTO AND STAY OF EU, EEA AND SWISS CONFEDERATION CITIZENS AND THEIR FAMILY MEMBERS IN THE REPUBLIC OF POLAND**

### **1. BASIS FOR ENTRY INTO THE REPUBLIC OF POLAND**

Citizens of the European Union (EU), the European Economic Area (EEA) and Switzerland have the right to enter into the Republic of Poland without the need to hold a visa or any other basis for entry.

Family members of these citizens not being EU, EEA or Swiss citizens may, as a rule, enter the Republic of Poland on the basis of a visa, unless any exemption applies.

A crossing of the Republic of Poland border by a citizen of the EU, EEA and Switzerland or family members additionally requires a valid travel document or other document confirming identity and citizenship to be held.

### **2. BASIS FOR STAY IN THE REPUBLIC OF POLAND**

#### **2.1. STAY FOR PERIOD NOT EXCEEDING 3 MONTHS**

EU, EEA and Swiss citizens and members of their families who are not EU, EEA and Swiss citizens may stay in the Republic of Poland for up to 3 months without fulfilling additional conditions for their stay (except for the obligation to register their place of stay).

Additionally, EU, EEA and Swiss citizens who enter the Republic of Poland to search for work may remain in the country without additional formalities for a maximum period of 6 months, unless they actively continue their search for work and have a realistic chance of employment after this term.

#### **2.2. STAY FOR A PERIOD EXCEEDING 3 MONTHS**

A citizen of the EU EEA and Switzerland who stays in the Republic of Poland longer than 3 months (upon fulfilling one of the conditions for stay listed in art. 16 et al of the Act dated 14 July 2006 on the terms of entry into and stay in the Republic of Poland by citizens of EU member states and their family members) must register stay and a family member who is not a citizen of the EU, EEA or Switzerland must obtain a residence card.

#### **Competent body and deadlines**

An application for registration of stay by a citizen of the EU or EEA or the issue of a residence card to a family member should be filed in person with the provincial governor at the place of stay of the citizen by the next day upon expiry of 3 months from the date of entry into the Republic of Poland.

The provincial governor registers stay and issues a statement of registered stay by a citizen of the EU, EEA and Switzerland immediately (maximum of 1 month and 2 months in complex cases). EU citizens whose stay has been registered are issued a statement of registration. The provincial governor issues a residence card to a family member of a citizen of the EU, EEA and

Switzerland within 6 months from date of filing an application for its issue (the provincial governor issues confirmation of application receipt on its filing date).

### **Required documents**

Documents or a written declaration confirming fulfilment of the above conditions for stay should be appended to a completed application form together with confirmation of sufficient financial means, confirmation of registration for stay (or other document confirming the location of stay) and in the case of an application for issue of a permit for stay of a family member of a citizen of the EU, EEA or Switzerland - a photograph . A valid travel document must be shown when filing an application for registration of stay or issue of a residence card for a family member.

### **Fee**

Receipt of a statement confirming registration of stay or residence card is free of charge.

## **2.3. PERMANENT STAY**

After 5 years of uninterrupted stay in the Republic of Poland, a citizen of the EU, EEA or Switzerland acquires a right of permanent stay. A family member who is not a citizen of the EU, EEA or Switzerland acquires a right of permanent stay after five years of uninterrupted residence in the Republic of Poland together with the citizen.

The Act on the terms of entry into and stay in the Republic of Poland by citizens of EU member states and members of their families also regulates the possible right to permanent stay before expiry of a 5-year period of stay in the Republic of Poland. This applies to exceptional situations of a professional or family nature.

In both cases, with certain exceptions, stay is deemed uninterrupted if any interruptions have not exceeded a total of 6 months during a year. Stay in the Republic of Poland is interrupted by an expulsion decision.

### **Competent body and deadlines**

An application for the issue of a statement confirming the right of permanent stay (in the case of a citizen of the EU or EEA) or permanent residence card for a family member of a citizen of the EU or EEA should be filed in person with the provincial governor for the citizen's place of residence. If intending to remain in the Republic of Poland, a family member who is not a citizen of the EU or EEA must file a respective application before expiry of residence card validity.

The provincial governor without delay issues a statement confirming the right of permanent stay of a citizen of the EU, EEA or Switzerland (maximum of one month and two months in complex cases). The provincial governor also issues a permanent residence card for a family member of a citizen of the EU, EEA or Switzerland within 6 months from the date of filing an application for its issue (the provincial governor issues confirmation of receipt of an application on the date of its filing).

### **Required documents**

Photographs should be attached to a completed application form together with confirmation of registration for stay in Poland and documents confirming uninterrupted stay in Poland. A valid travel document should be shown when filing the application.

## **Fees**

Receipt of a statement confirming registration of permanent stay as well as a permanent residence card is free of charge.

## **II. ENTRY INTO AND STAY OF CITIZENS OF THIRD PARTY STATES IN THE REPUBLIC OF POLAND**

### **1. BASIS FOR ENTRY INTO THE REPUBLIC OF POLAND**

Citizens of third party states can enter Poland if they:

1. hold a valid visa or are exempt from the obligation to possess a visa, or
2. hold a valid residence card.

Citizens of third party states intending to enter and stay in the Republic of Poland as a rule must obtain an appropriate visa. Regulations in force nonetheless envisage a series of waivers from this obligation. Among others, this applies to citizens of Australia, Japan, Canada, South Korea, Malaysia, Singapore and the USA (a full schedule is available on the website of the Ministry of Foreign Affairs of the Republic of Poland).

Waiver of the obligation to hold a visa, both for EU and EEA citizens and those of other states, nonetheless in most cases exclusively applies to entry for a period usually not exceeding 90 days for tourism purposes and does not apply to entry for the purpose of education, work or other remunerated activity (unless stipulated otherwise in international agreements such as, for example, with the USA, Canada or South Korea).

## **2. VISAS**

### **2.1 TYPES OF VISAS**

Citizens of third states who are not entitled to a waiver of the obligation to hold a visa may enter the Republic of Poland if they possess one of the following visas issued for a specified purpose:

1. **Schengen visa (type C):** entitling one or a more entries and stays on the condition that neither the length of continuous stay nor the total length of successive stays in the territory of Schengen area states exceeds 90 days in the course of a 180-day period, calculated from the date of first entry into the territory;
2. **national visa (type D):** entitling entry and continuous stay solely in the Republic of Poland, or a number of successive stays, altogether longer than 90 days, but not exceeding a total of one year during the visa validity period (maximum of one year); a

national visa also allows for stay in territories of other Schengen area countries for a period of up to 90 days within each 180-day period.

A Schengen visa or a national visa, excluding a transit airport visa (A), can be issued for the following purposes, among others: tourism, visits, business activity, employment, higher educational studies, academic research, or medical treatment. The visa validity period and stay within its terms and detailed procedural requirements are respectively adapted to the purpose for which it is issued.

## **2.2 VISA PROCEDURE AND FEES**

### **Competent body**

A foreigner should generally file an application for a Schengen visa at the consulate of a Schengen area state in his country of legal residence. In case of a planned visit in a Schengen zone country, the application should be filed at the consulate of that country, whereas in case of a planned visit in a number of Schengen zone countries, the application should be made at the consulate of the country being the main destination of the foreigner's journey.

A foreigner should generally file an application for a national visa at the Consulate of the Republic of Poland in the foreigner's country of legal residence, (if there are several consulates in a given country, in principle, an application should be filed at the consulate for a given administrative region).

### **Deadlines**

An application for a Schengen or national visa should be filed not earlier than three months before the start of a planned visit and normally no later than approximately 14 days before a planned journey. This is because the visa procedure normally takes several business days (the final deadline may nonetheless differ according to the foreigner's state of origin and the consulate where an application is filed and can be 30 days; also available on occasion are so-called express lanes (the visa is issued within 3 days). The waiting time for an agreed upon deadline to submit an application should also be taken into consideration (prior registration and reservation of such deadline acquired) – detailed information is provided by particular consulates).

### **Fee**

The fee for the issue of a Schengen visa or national visa differs depending on a foreigner's citizenship in connection with international treaties. The fee is non-refundable in case of refusal to grant a visa.

### **Required documents**

In order to obtain a Schengen visa or national visa, a foreigner must file the following documents at a consulate (in person or through an attorney – detailed information is provided by particular consulates):

1. a completed application form (online completion and registration as well as printing are usually required);
2. photographs (detailed requirements are found on consulate websites);
3. copy of a travel document (passport or other), which shall not expires earlier than 3 months before expiry of the visa applied for, which contains at least one or two empty pages (depending on the consulate) and which was issued within the last ten years. The original travel document should be shown when filing the application. Some consulates additionally require another identity document;
4. proof of payment of the appropriate fee for a given visa;
5. documents on accommodation or confirmation of sufficient resources to cover costs of accommodation in a Schengen state / Republic of Poland;
6. documents confirming that the visa applicant has sufficient resources to cover living costs throughout the entire length of planned stay and to cover costs of return to the state of origin or residence or for transit to a third state that will grant permission for entry, or the possibility of lawfully obtaining such resources (this does not apply to family members of EU, EEA and Swiss citizens, who accompany or join them);
7. information allowing determination of whether the visa applicant intends to leave a Schengen state / Republic of Poland (possession of a return ticket is normally required);
8. if required in relation to a citizen of a given state – proof of health insurance within the meaning of regulations on health care benefits from public resources, or possession of an appropriate valid medical travel insurance policy in the amount of at least EUR 30,000 for the period of intended stay in a Schengen state / Republic of Poland, together with a copy thereof;
9. other documents required to demonstrate the given purpose of journey (e.g. invitation, document confirming family ties, letter from employer, work permit, employment contract delegation letter) – detailed information is provided by particular consulates;
10. most consulates reserve the right to demand that an applicant also provide other documents in the course of proceedings if necessary.

## **2.3 VISA EXTENSION**

It is possible to extend a visa, either national visa or Schengen, only in particularly justified cases.

A Schengen visa can be extended if it is impossible for a given person to leave a Schengen area before expiry of period of stay allowed by a visa:

1. as a result of force majeure, or
2. for humanitarian reasons, or
3. if there are important personal reasons on the part of the visa holder to justify visa extension.

A national visa can be extended solely if the following conditions are fulfilled jointly:

1. if substantiated by important professional or personal interests or other humanitarian reasons;
2. reasons justifying a visa extension have arisen independently of the foreigner's will and were impossible to envisage when the visa was issued;
3. case circumstances do not indicate a foreigner's purpose of stay will be other than as declared;
4. no circumstances exist to justify refusal to issue a visa.

### **Competent body**

The competent body for extending either a Schengen or national visa is the provincial governor competent for a foreigner's place of stay.

### **Deadlines**

A visa holder must file a visa extension application by the end of the period of legal stay in Poland .

Regulations in force envisage that a foreigner's stay in the Republic of Poland is deemed legal from the date of application filing, on the condition that it is filed by a deadline, until a decision on extension of visa is issued.

### **Fees**

Extension of a Schengen visa in cases specified in points 1 and 2 is made without a fee; an application fee of EUR 30 is charged in the case specified in point 3 (it may differ depending on citizenship). The fee charged on an application for extension of a national visa is the equivalent of PLN 406 (may differ depending on citizenship). These fees are not refunded in case of refusal to extend a visa.

## **3. CERTAIN REQUIREMENTS REGARDING STAY IN THE REPUBLIC OF POLAND**

### **Required level of resources**

A foreigner entering the Republic of Poland for a maximum period of stay of 4 days should possess resources to cover costs of accommodation, board, transit and return to the state of origin in the amount of at least PLN 300 or its foreign currency equivalent.

Foreigners entering the Republic of Poland for a period of stay exceeding 4 days should possess the amount of PLN 75 for each day of stay or its foreign currency equivalent.

For the purpose of documenting possession of specified resources, a foreigner may present, among others:

1. traveller's cheques;

2. a credit card that can be used in the Republic of Poland, together with a statement on its credit limit, or a payment card that can be used in the Republic of Poland, together with an up to date certificate on the state of the account or an up to date account statement;
3. statement on possession of funds at a bank or other institution with its registered office in the Republic of Poland, confirmed by a stamp and signature of an authorised person and issued at the latest one month before crossing of the border;

The level of required resources and scope of documents that can be used to confirm possession thereof differ from those indicated above in the case of particular purposes of a journey (work, study, medical treatment, organised tourism, sports tournaments) –detailed requirements have been regulated in an Ordinance of the Minister of Internal Affairs and Administration dated 23 February 2015 on financial resources required from a foreigner entering the Republic of Poland and documents that can confirm the ability to obtain such resources, as well as the purpose and duration of planned stay.

#### **4. OTHER BASES FOR STAY BY CITIZENS OF THIRD PARTY STATES IN THE REPUBLIC OF POLAND**

A citizen of a third party state may obtain the right to stay in the Republic of Poland, in particular, after expiry of stay designated in a visa or a visa validity period on the basis of permission for temporary or permanent stay or permission for long-term EU residence.

In any case, a residence card issued to a citizen of a third party state (upon permission for temporary or permanent stay or permission for long-term EU residence) during its validity period confirms the identity of its holder during the course of stay in the Republic of Poland and, together with a travel document, allows multiple border crossings without the need to acquire a visa.

##### **4.1. PERMISSION FOR TEMPORARY STAY**

A citizen of a third party state may seek permission for temporary stay if circumstances arise justifying a foreigner's residence in the Republic of Poland for a period longer than 3 months. These prerequisites are specified in detail by the Foreigners' Act. Among others, this relates to situations when:

1. the purpose of stay is to work in Poland on the basis of a contract with an employer based in Poland - separate types of permits may then apply - permit for stay and work and permit for stay to work in a profession requiring high skills, or
2. the purpose of stay is delegation to work in Poland and a foreigner possesses a work permit - a separate specific type of permit may then apply - permit for temporary stay for work by a foreigner delegated by a foreign employer to Poland, or
3. the purpose of stay in Poland is business based on regulations binding in this regard in Poland – a permit for a temporary stay to conduct business applies, or
4. the purpose of stay in Poland is education in the first or second level of study, uniform master's degree studies or third level study - a permit for temporary stay for education applies, or

5. the purpose of stay in Poland is academic or research based on a contract for employment of an academic to conduct a research project with an academic institution, as noted in art. 2 point 9 of the Act to dated 30 April 2010 on the financing of education, as approved for this purpose by the Minister for Education on the basis of a decision - a permit for temporary stay for research work applies, or
6. the purpose of stay in Poland is family unification or visit – a permit for temporary stay for family members of Polish citizens and family members of foreigners applies.

A permit for temporary stay can also be sought by a citizen of a third country, who:

1. intends to undertake or continue study or professional training in Poland, or
2. is a graduate of a Polish university and is seeking work in Poland, or
3. is a member of the clergy or monastery or a person holding a religious post in a church or religious denomination whose status is regulated by an international treaty or Polish law or who acts on the basis of entry in the register of churches and other religious denominations and if stay in Poland relates to a held function or preparation thereto, or
4. who has presented other circumstances justifying stay in the Republic of Poland.

### **Competent body, deadlines and procedure**

An application for a permit for temporary stay should be filed personally (in light of the need to obtain fingerprints) with the provincial governor for the third party state citizen's place of residence in Poland. If an application for a permit for temporary stay has not been filed personally, the provincial governor calls for personal appearance within 7 days under the penalty of an application being rejected. A foreigner must submit an application during stay in Poland. A provincial governor may refuse to initiate proceedings if a foreigner was abroad at the time of application filing.

An application for a temporary stay permit should be filed by the last day of a foreigner's legal stay in Poland. If this deadline has been met and an application has no formal deficiencies or such deficiencies have been corrected on time, the provincial governor places a stamp in the foreigner's travel document confirming submission of an application for a temporary stay permit and a foreigner's stay in Poland is deemed legal from the date of a submitted application to the date when a decision on granting a permit for temporary stay becomes final. However, such stamp does not entitle a crossing of the Polish border, which means that in the event of exit from the country prior to receipt of a permit for stay a third party state citizen will not be able to enter the Republic of Poland merely on the basis of the stamp without obtaining a visa or other basis for stay.

Permission for temporary stay is granted in each instance for the period indispensable to attain the purpose of stay in the Republic of Poland, in principle, for no longer than 3 years. A residence card is issued following the issue of permission for temporary stay, which is valid for the period designated therein and which a third party state citizen of must collect in person from the issuing provincial governor.

In principle, the procedure should be completed lawfully within a period not exceeding 2-3 months from the date of application filing .



## **Required documents**

In seeking issue of permission for temporary stay, a third party state citizen must file at least the following:

1. completed application form for permission for temporary stay;
2. photographs;
3. confirmation of fee payment ;
4. legal title to living quarters already occupied or for intended stay (e.g. lease agreement)
5. documents confirming possession of health insurance or insurance coverage of the cost of medical treatment in Poland (with exceptions);
6. photocopies of travel document (together with the original for presentation);
7. documents indispensable to confirm data in an application and circumstances justifying the seeking of permission to reside for a designated period for such purpose.

## **Fees**

The fee for an application for a temporary stay permit is PLN 340 PLN or PLN 440 in the case of a permit for stay and work and permit for work in a highly-skilled profession. It is non-refundable in case of refusal to grant permission. A fee in of PLN 50 is additionally charged for the issue of a residence card.

## **4.2 PERMISSION FOR PERMANENT STAY**

A third party state citizen can be granted permission for permanent stay if the following conditions are met:

1. the applicant is a child under parental custody of a foreigner granted a permit for permanent stay or a permit for long-term EU residence:
  - a. born after the foreigner has been granted a permit for permanent stay or permit for long-term EU residence, or
  - b. born during the validity of a permit for temporary stay granted to such foreigner, or
2. is the child of a Polish citizen under parental custody, or
3. is a person of Polish origin and intends to permanently settle in the Republic of Poland, or
4. the applicant has been the spouse of a Polish citizen by law recognized by the Republic of Poland for at least three years prior to the date of application for a permit for permanent residence and has resided in Poland without interruption for a period of at least two years immediately prior to the submission of such application on the basis of a permit for temporary stay granted in connection with marriage to a Polish citizen or has

obtained the status of refugee, supplementary 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 Penal Code and conditions arise, as noted in art. 195 sec. 1 point 5a-c of the Foreigner Act
6. has resided in Poland without interruption for at least five years immediately prior to submission of an application for a permanent stay permit on the basis of refugee status , supplementary protection or consent to stay for humanitarian reasons, or
7. has resided in Poland without interruption for at least ten years immediately prior to submission of an application for a permanent stay permit on the basis of consent to tolerated stay granted on the basis of art. 351 points 1 or 3 of the Foreigner Act, or
8. has been granted asylum in the Republic of Poland, or
9. holds a valid Pole Card and intends to permanently settle in the Republic of Poland.

Stay in the Republic of Poland is regarded as uninterrupted, with certain exceptions if no interruption was longer than 6 months and all interruptions did not exceed 10 months in total.

### **Competent body, deadlines and procedure**

A third country citizen must file an application for permanent stay personally by the last day of legal stay in Poland. If not filed personally, the provincial governor calls upon the applicant to personally appear within 7 days under the penalty of an application not being reviewed.

An application should be filed with the provincial governor for the third party citizen state place of stay (applications filed abroad are not considered).

Permissions for permanent stay are granted for an unlimited period. Upon issue of permission for permanent stay, a residence card is issued that is valid for 10 years, which the third party state citizen must collect in person from the issuing provincial governor .

The procedure should be lawfully completed within a maximum period of 2-3 months from the date of application filing.

### **Required documents**

In seeking permission for permanent stay, a third party state citizen must file, among others, the following:

1. completed application for permission for permanent stay;
2. photographs;
3. confirmation of fee payment;
4. confirmation of registration of stay in Poland (if applicable);
5. legal title to housing where a foreigner resides or intends to reside (e.g. a lease contract);
6. photocopies of the travel document (together with the original for presentation);
7. documents proving uninterrupted stay in Poland;

8. confirmation of no tax liabilities towards the Treasury;
9. documents indispensable to confirm data in an application and circumstances justifying permission for permanent stay for such purpose.

## **Fees**

The application fee for issue of a permanent stay permit is PLN 640 and is non-refundable in case of refusal to grant permission. A fee of PLN 50 is charged for the issue of a residence card.

## **4.3 PERMISSION FOR STAY AS A LONG-TERM EU RESIDENT**

A third party state citizen can be granted permission for stay as a long-term EU resident if the foreigner has stayed in the Republic of Poland legally and without interruption before application filing for at least 5 years and has (with certain exceptions):

1. a stable and regular source of income sufficient to cover living costs of the foreigner and family members supported by such foreigner;
2. health insurance within the meaning of universal health insurance regulations or confirmation of treatment coverage by an insurer in the Republic of Poland.

Stay in the Republic of Poland is regarded as uninterrupted, with certain exceptions, if there has been no interruption longer than 6 months and total interruptions have not exceeded 10 months in total.

## **Competent body, deadlines and procedure**

An application for permission for stay as a long-term EU resident should be filed with the provincial governor for the third party state citizen place of stay solely during stay in the Republic of Poland that is lawful (applications filed abroad are not considered).

Permissions for stay as a long-term EU resident are granted for an unlimited period. Upon issue of permission for stay as a long-term EU resident, a residence card valid for 5 years is issued, which the third party state citizen must collect in person from the issuing provincial governor. In principle, the procedure should be completed within a maximum period of 3 months from the date of application filing.

## **Required documents**

In seeking permission for long-term EU residence, a third party state citizen must file, among others, the following:

1. completed application for long-term EU residence;
2. photographs;
3. confirmation of fee payment;
4. photocopies of the travel document (together with the original for presentation);

5. legal title to housing where a foreigner resides or intends to reside (e.g. lease contract);
6. documents proving uninterrupted stay in Poland;
7. documents confirming that a foreigner has a stable and regular source of income sufficient to cover the foreigner and dependent family members;
8. document confirming that a foreigner has medical (health) insurance providing benefits in-kind in the Republic of Poland;
9. other documents indispensable to confirm data in an application and circumstances justifying permission for long-term EU residence for such purpose.

## **Fees**

The application fee for permission for stay as a long-term EU resident is PLN 640 and is non-refundable in case of refusal. A fee of PLN 50 is charged for the issue of a residence card.

## **5. DUTY TO REGISTER PLACE OF STAY**

A citizen of a third party state, EU, EEA, Switzerland and family members staying in the Republic of Poland must register for temporary stay exceeding 3 months within 30 days counting from the date of arrival at such location.

A third party state citizen staying in the Republic of Poland must register at the place of stay within 4 days counting from the date of arrival at such location if planned stay in the Republic of Poland exceeds 14 days.

Registration for temporary stay takes place orally at the City (or District) Administrative Office at the given person's place of stay. It can also be made through an intermediary.

The following should be shown:

1. travel document (passport, other document confirming identity);
2. document constituting the basis for legal stay in Poland (e.g. visa, decision to grant permission for temporary stay or permanent stay, residence card, document confirming the right of permanent stay of an EU citizen, certificate of registration of stay by an EU citizen, etc.);
3. document confirming legal title to housing from an owner or other entity holding legal title to premises (e.g. lease contract, extract from the land and mortgage register).

Fees are waived for mere registration of a citizen of a third party state, EU, EEA, Switzerland and family members. The issue of a statement of registration is subject to a fee of PLN 17.