

An instruction for a foreigner about the rules and mode of conduct, his/her rights and obligations in matters concerning the extension of the validity of an issued visa or a stay covered by that visa, granting a temporary residence permit, a permanent residence permit or a long-term residence permit in the European Union in accordance with art. 7, section 1, point 1 of the Act of December 12, 2013 on foreigners (Journal of Laws of 2025, item 1079, as amended).

Note: In the case of applying for the extension of the validity period of the visa issued or the period of stay covered by this visa the following chapters are given: I, II, III, and VIII.

In the case of applying for a temporary residence permit the following chapters are given: I, II, IV, VII, and VIII.

In the case of applying for a permanent residence permit the following chapters are given: I, II, V, VII, and VIII.

In the case of applying for long-term EU resident's residence permit the following chapters are given: I, II, VI, VII, and VIII.

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CHAPTER I - HOW TO CORRECTLY FILL IN THE APPLICATION

When filling in the application for permission to legalize your stay remember to:

- **Fill it legibly in Polish;**
- **Complete all the required fields of the application** in accordance with the facts;
- Fill it in capital letters entered in the appropriate boxes;
- If you have provided **different personal data** in the past - inform about it in justification;
- **Provide the place of actual stay** where correspondence will be received;
- In the part concerning criminal records **indicate information about judgements issued against you and** in the event of uncertainty as to judgements issued, indicate that the procedure remains in progress (**Note: payment of fines** does not prove the fact that no criminal proceedings were initiated and no judgement was issued in the case);
- In the part concerning pending criminal proceedings or petty offences proceedings **provide information about all pending proceedings (e.g. not accepted fines)**
- Attach **proof of payment of the stamp duty** to the application;
- Attach **photographs taken in the appropriate format** to the application;
- sign the application with a handwritten **signature** and enter **the full name using Latin alphabet;**

Note: in the case of applying for a temporary residence permit for the purpose of family reunification for a foreigner residing outside the borders of the Republic of Poland (section I of Chapter IV, item 4.6.13), the application, should be **signed by the foreigner living in Poland, and not a family member for whom**

the permit is to be granted. In the case of applying for granting a temporary residence permit, referred to in sections IV, V, VI or VIII of Chapter IV, item 4.6.12 for a foreigner residing outside the territory of the Republic of Poland, the application **should be signed by a Polish citizen, a citizen of another Member State of the European Union, a member state of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area, the Swiss Confederation or a citizen of the United Kingdom of Great Britain and Northern Ireland, referred to in art. 10(1)(b) and (d) of the Withdrawal Agreement, residing in the territory of the Republic of Poland to which the foreigner is coming, and not a member of his or her family for whom the permit is to be granted**

- Present a **valid travel document**. In particularly justified cases, **when you do not have** a valid travel document and **you are unable to obtain it, you can submit other document confirming your identity; NOTE: when submitting the application you should write detailed explanation why you are unable to obtain a travel document and list the actions that you have taken to get it.** You may be also required to provide documents confirming this.
- Attach any document that can confirm the information contained in the application and contribute to the immediate consideration of the case;
- If you have any doubts – **ask the voivodship office worker for help** or go to NGOs providing assistance to foreigners. **Information on the activities of these organizations can be found on information boards or in brochures available at the voivodship office.**

2.1 LEGAL BASIS

- Act of 12 December 2013 on foreigners (Journal of Laws of 2025, item 1079 as amended).
- Act of 14 June 1960 - Code of Administrative Procedure (uniform text, Journal of Laws of 2024, item 572 as amended).
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (OJ 243, 15.09.2009, p. 1 as amended).

2.2 CONDITIONS FOR THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND

A foreigner during the stay on the territory of the Republic of Poland is obliged to have a valid travel document and documents authorizing him/her to stay in the territory of the Republic of Poland, if required.

A foreigner may travel and stay in the territory of the Schengen states for a period not exceeding 90 days within any 180-day period if he/she has a valid **long-term visa** or a **valid residence card** issued by the Member State of the Schengen area and:

- has a valid travel document authorizing him/her to cross the border, valid for at least three months after the intended date of departure from the Schengen area (in justified and urgent cases, this criterion may be ignored) and issued within the period of the last 10 years,
- can justify the purpose and conditions of the intended stay and
- has sufficient resources or and the ability to obtain them legally, and
- is not considered a threat to public order, internal security, public health or international relations of any of the Member States, in particular, he/she has not been entered on this basis to national databases of the Member States for the purposes of refusing entry.

Furthermore, the foreigner's data should not appear on the national list of alerts for refusal of entry of a Member State.

The states of the Schengen area include: Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, France, Greece, Spain, Luxembourg, the Netherlands, Germany, Portugal, Romania, Sweden, Italy, Estonia, Lithuania, Latvia, Malta Poland, Czech Republic, Slovakia, Slovenia, Hungary, as well as Switzerland, Liechtenstein, Norway and Iceland (the last 4 countries are Schengen countries not belonging to the EU).

It should be emphasized that: Ireland and Cyprus, are EU Member States which do not belong to the Schengen area.

Holders of a **residence permit**, referred to in Article 1(2) (c) of the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format residence permits for third-country nationals (OJ L 157, 15.06.2002, p. 1, as amended), with an **annotation "ICT", issued by another Member State of the EU, including a country not belonging to the Schengen area**, may enjoy the mobility within the territory of the Republic of Poland for a period not exceeding the period of validity of this residence permit, consisting in performing work as a manager, specialist or trainee employee in the host entity belonging to the same group of enterprises having their registered offices in the territory of Poland, including **short-term mobility for a period of up to 90 days in any 180-day period in the territory of Poland, notwithstanding**

the possibility of using this mobility in other Member States of the EU, under certain conditions (see point 4.6.4).

Holders of a **residence permit** referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card' or 'Former EU Blue Card holder' (in the case of obtaining a long-term EU resident's residence permit), **issued by another Member State of the European Union, including a country not belonging to the Schengen area**, may benefit from mobility within the territory of the Republic of Poland, **including short-term mobility** for a period not exceeding the validity of that residence permit, **for a period not exceeding 90 days in any 180-day period, for the purpose of pursuing professional activities**, regardless of the possibility of exercising such mobility in other EU Member States (see point 4.6.2A).

Holders of **residence permit** referred to in art. 1, point 2 (a) and Council Regulation (EC) No. 1030/2002 of 13 June 2002 establishing a uniform format for residence permits for third-country nationals (O.J. L 157 of 15 June 2002 page 1 as amended) or a **long-term visa** issued by another Member State of the European Union including a country not belonging to the Schengen area with an annotation:

- **"Student"** may enjoy the **mobility on the territory of the Republic of Poland in order to continue or supplement studies undertaken on the territory of another European Union member state within a period of 360 days** unless this period exceeds the validity period of the residence permit held under certain conditions (see point 4.6.7).
- **"Scientist "** may enjoy the mobility on the territory of the Republic of Poland in the period not exceeding the validity period of this residence permit consisting in conducting part of scientific research or development works in a research unit based in Poland including **short-term mobility for up to 180 days in any period of 360 days on the territory of Poland** regardless of the possibility of using this mobility in other EU Member States under certain conditions (see point 4.6.9).

A foreigner who is a **member of the family** of a holder of residence permit referred to in art. 1, point 2 (a) of Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" may also enjoy the mobility on the territory of the Republic of Poland including short-term mobility within 180 days in any period of 360 days on the territory of Poland regardless of the possibility of using this mobility in the other EU Member States under certain conditions (see 4.6.13).

A foreigner is **obliged to leave the territory of the Republic of Poland before the expiry of the period of stay covered by a Schengen visa or a national visa** and before the expiry of that visa, if he/she does not have the permit to continue staying in this territory.

A foreigner residing on the territory of the Republic of Poland under an international agreement on the obligation of visa requirement or unilateral abolition the obligation of visa requirement or to whom partial or total abolition visa requirement applies, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, is **obliged to leave the territory before the expiry of the period of the visa waiver** provided for in the international agreement, the unilateral abolition of the visa requirement or in the above Regulation, if he/she does not have the permit to continue to stay in the territory.

A foreigner is **obliged to leave the territory of the Republic of Poland before the expiry of a temporary residence permit**, if he/she does not have the permit to continue to stay in that territory, in particular, has not obtained another temporary residence permit or a permanent residence permit or a long-term resident's EU residence permit in the territory of the Republic of Poland.

A foreigner is **obliged to leave the territory of the Republic of Poland within 30 days** from the date on which **the decision refusing** extension of a Schengen visa or a national visa, a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit, **the decision to discontinue**

the proceedings in these cases or **the decision to withdraw** his/her temporary residence permit, a permanent residence permit or long-term resident's EU residence permit or the decision to withdraw permission to stay for humanitarian reasons – has become final, and in the case of a decision issued by a higher body, from the date on which the final decision was delivered to a foreigner. **Note:** in the case of complying with this requirement **there is no need to issue the decision on obligation to return and to issue the entry ban.**

Stay of a foreigner within the territory of the Republic of Poland in this period shall be deemed legal, unless the request for an extension of a Schengen visa or national visa or granting him/her a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit was filed after the expiration of his/her legal staying in the territory.

The above principles **shall not apply** in the case when before issuing the decision to refuse the extension of a Schengen visa or a national visa to a foreigner, granting him/her a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit or issuing the decision to discontinue the proceedings in these cases, **the proceedings were initiated against the foreigner concerning the obligation to return or the decision obliging him/her to return was issued.**

Stay on the Polish territory without the required visa, a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit, as well as performing work or starting a business enterprise in violation of applicable regulations may result in the decision **imposing the obligation to return with a ban on re-entry to Polish territory and the territory of other countries of the Schengen area for a period of 6 months to 3 years.**

2.3 REQUIREMENTS RELATED TO REQUESTS, DOCUMENTS, EXPLANATIONS, AND STATEMENTS

Applications, submissions and documents on matters concerning the legalization of stay of foreigners on the territory of the Republic of Poland should be:

- **written in Polish;**
- **originals or copies certified as being true copies** (instead of the original document, a party may submit a copy of the document, if it is certified as true copy by a notary or by a representative of the party who is a an attorney, solicitor, patent attorney or a tax adviser or an authorised employee of the authority conducting the proceedings (voivode) to whom the original document along with the copy was shown - **does not apply to identity documents (travel));**
- **translated into Polish by a sworn translator – in the case of documents drawn up in a foreign language,** serving as proof in the proceedings, e.g. foreign acts of the marital status, contracts etc. **Note:** the obligation to provide translation **does not apply to** travel document.

2.4 DEADLINE FOR ARRANGING THE CASE

In accordance with applicable provisions of law, settlement of the case:

- **Requiring investigation** - should take no more than a month,
- **Particularly complicated** – should take no more than two months from the date on which the proceedings were initiated,
- **In appeal proceedings** – should take no more than one month from the date of receipt of the appeal.

trainee employee trainee employee The decision on granting a foreigner a **temporary residence permit** is issued **within 60 days.**

The decision on granting a foreigner a **temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder** and on granting a **temporary residence permit for the purpose of family reunification to a foreigner who is a family member of a foreigner residing in the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder** shall be issued **within 30 days**.

The time limit shall run from the date on which the last of the following events occurs:

- 1) the foreigner submitted the application for a temporary residence permit in person or appeared in person in the voivodeship office after submitting the application, unless the foreigner is not required to appear in person, or
- 2) the foreigner has submitted an application for a temporary residence permit, which does not contain formal defects or has been supplemented, or
- 3) the foreigner has submitted documents necessary to confirm the data contained in the application and the circumstances justifying the application for a temporary residence permit, or the time limit set by the Voivode for the submission of the documents has expired without effect.

In the case of proceedings for the granting of a temporary residence permit for the purpose of intra-corporate transfer or a temporary residence permit for the purpose of long-term mobility of a managerial employee, specialist or trainee employee, in the context of an intra-corporate transfer, the 60-day period shall run from the date on which the last of the following events occurs:

- 1) the receiving entity has accepted an application for a temporary residence permit, which does not contain formal defects or has been supplemented, or
- 2) the receiving entity has accepted documents necessary to confirm the data contained in the application and the circumstances justifying the application for a temporary residence permit, or the time limit set by the Voivode for the submission of the documents has expired without effect.

The decision on granting a foreigner a **permanent residence permit or a long-term resident's EU residence permit** is issued **within 6 months**. The time limit shall run from the date on which the last of the following events occurs:

- 1) the foreigner submitted the application for a residence permit in person or appeared in person in the voivodeship office after submitting the application, unless the foreigner is not required to appear in person, or
- 2) the foreigner has submitted an application for a residence permit, which does not contain formal defects or has been supplemented, or
- 3) the foreigner has submitted documents necessary to confirm the data contained in the application and the circumstances justifying the application for a temporary residence permit, or the time limit set by the Voivode for the submission of the documents has expired without effect.

If the application for a temporary residence permit, permanent residence permit or long-term resident's EU residence permit is not submitted with the documents required to confirm the data contained in the application and the circumstances justifying the application for a permit, the Voivode calls the applicant to submit them within a period no shorter than 14 days. When setting a time limit, the Voivode assesses the time required to obtain a particular document.

This request may be made at the same time as a request to appear in person, a request for providing fingerprints or a request for the completion of the application for authorisation. In such case, the time

limit defined by the Voivode must not be shorter than the longest of the time limits specified in such requests.

The **appeal proceedings** on granting a temporary residence permit to a foreigner, a permanent residence permit or a residence permit for a long-term EU resident shall be concluded **within 90 days**. If the appeal does not meet the requirements laid down by the law, the period shall run from the date on which the deficiencies are completed.

The appeal procedure concerning the granting of a **temporary residence permit to a foreigner for the purpose of long-term mobility of an EU Blue Card holder** and concerning the granting of a **temporary residence permit to a foreigner for the purpose of family reunification** shall be completed **within 60 days**. If the appeal does not meet the requirements provided for by law, this period shall run from the date on which the deficiencies are remedied.

The authority of first or second instance is obliged to notify the party of any case not settled within the above deadlines, giving reasons for the delay, indicating a new deadline for settling the case and informing the party of their right to file reminders.

2.5 POWER OF ATTORNEY

A party may act by proxy, unless the nature of the activity requires personal action. The proxy can be a natural person having capacity to perform acts in law.

- the power of attorney should be **given in writing, in the form an electronic document or entered into the minutes** ;
- the power of attorney includes **an original or officially certified copy of the power of attorney**; in the files
- along **with** the power of attorney, the case file must include **a proof of payment of stamp duty in the amount of PLN 17**;
- in the case of special powers of attorney (**granted for proceedings listed in detail**) the granted power of attorney should authorise representation of the foreigner in a particular proceeding **both before the competent voivode and the Head of the Office for Foreigners** (if the foreigner wants to be represented also in the appeal proceedings).

Submission by a foreigner residing in the territory of the Republic of Poland of a request for granting a **temporary residence permit for the purpose of the family reunification** on behalf of a family member residing outside the territory of the Republic of Poland requires a written consent of that family member or his/her statutory representative, unless the applicant is his/her statutory representative. Giving the above-mentioned consent is tantamount to granting the foreigner residing in the territory of Poland **the power of attorney to act on behalf of a family member** in a given proceeding.

Submission by a Polish citizen, a citizen of another Member State of the European Union, a member state of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area, the Swiss Confederation or a citizen of the United Kingdom of Great Britain and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, residing on the territory of the Republic of Poland of an application for a **temporary residence permit referred to in items IV, V, VI or VIII** of Chapter IV item 4.6.12. on behalf of a family member residing outside the territory of the Republic of Poland – requires his or her written consent or the written consent of his or her statutory representative, unless the applicant is his or her statutory representative.

The granting of the aforementioned consent shall be equivalent to granting a **power of attorney to act on behalf of the family member** in the given proceedings to a Polish citizen, 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, the Swiss Confederation or a citizen of the United Kingdom of Great Britain and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, residing on the territory of the Republic of Poland.

2.6 DELIVERING CORRESPONDENCE

All documents (notices, summonses, decisions, rulings, etc.) shall be delivered in electronic form **to the electronic delivery address** referred to in Article 2(1) of the Act of 18 November 2020 on electronic delivery (Journal of Laws of 2024, item 1045, as amended), or in paper form at the seat of the 1st or 2nd instance authority.

If delivery by one of the above methods is not possible, the document shall be delivered by a postal operator (the designated operator, which is currently Poczta Polska Spółka Akcyjna) using a **public hybrid service** (in which case the document shall be delivered in paper form), or by employees of the 1st or 2nd instance authority, or by other authorised persons or authorities (in which case the letter is delivered in paper form).

If it is not possible to deliver the letter via a postal operator using a public hybrid service, delivery may be made via a postal operator by **registered mail** (the letter is delivered in paper form).

Delivery of a letter in paper form via a postal operator by registered mail or by employees of the 1st or 2nd instance authority, or by other authorised persons or authorities, may also take place if the voivode grants his decision immediate enforceability, or if delivery in one of these ways is required by an important public interest, in particular national security, defence or public order. In such cases, delivery to an electronic delivery address or using a public hybrid service may be omitted, regardless of whether one of these methods is possible in a given case.

If the document is delivered to a natural person in electronic form, the delivery shall be made to the electronic delivery address entered in the electronic address database, and if the addressee is a representative, to the electronic delivery address indicated in the application.

A representative who is a practising lawyer or legal counsel is required to have an electronic delivery address entered in the electronic delivery address database.

If a document is delivered to a natural person in paper form via a postal operator or through employees of a 1st or 2nd instance authority, or through other authorised persons or authorities, the delivery shall be made to the address indicated by that natural person or at any place where the addressee is found.

Foreigners deprived of their liberty shall be served with documents in paper form through the administration of the establishment where they are staying.

CHANGE OF ADDRESS

In the course of proceedings, the parties (foreigners) and their representatives **are required to notify the authority before which their case is currently pending of any change of address. In the event of failure to comply with the above obligation, delivery of the letter to the previous address shall be deemed to have been effectively delivered (e.g. in the case of such delivery of a decision, the deadline for lodging an appeal shall run even if the foreigner or his/her attorney did not actually receive the decision due to a change of address).**

LETTERS ARE DELIVERED:

- **To the Party, i.e. the foreigner,** at the **address** indicated by him/her, and when he/she acts through a representative (e.g. guardian) - to that representative.

- **The party is obliged to acknowledge receipt of the letter with his/her signatures indicating the date of receipt.** If the party evades delivery confirmation, the person serving the letter will determine the date of service on his/her own and will indicate the person who received the letter and the reason for the lack of signature.
- **If the party refuses to accept the letter sent by mail or delivered in another way, the letter will be returned to the sender with a note on refusal of acceptance and the date of refusal.** In this case, it is considered that the letter was delivered on the day of refusal of its acceptance by the addressee.
- **To the Representative: If the party has appointed a representative, the letters shall be delivered to the representative.** If several representatives have been appointed, the Party shall appoint one of them as competent for the service and notify the authority conducting the proceedings about this fact. **If the foreigner fails to appoint such a representative, the letters shall be delivered to only one representative. The same rules of acknowledgement of receipt of letters apply to the representative and the party.**
- **ABSENCE OF THE ADDRESSEE:** If the addressee is absent from the address indicated by them, the letter in paper form shall be delivered, against receipt, to an adult member of the household, a neighbour or the caretaker of the house, if these persons have undertaken to deliver the letter to the addressee. The addressee shall be notified of the delivery of the letter to a neighbour or caretaker by placing a notice in the letterbox or, if this is not possible, on the door of the dwelling.

IN THE CASE OF FAILURE TO DELIVER THE LETTER IN A WAY INDICATED ABOVE:

- **The postal operator keeps the letter for a period of 14 in its post office** – if the letter is to be delivered by mail;
- The letter is to be submitted for a period of 14 days at the office of the competent municipality (city) – if the letter was delivered by an employee of the municipal office (city), or an authorized person or body.

The notice of leaving the letter with information about the possibility of collecting it within 7 days from the date of leaving the notice is placed in the mailbox, or, if it is not possible, at the door of the addressee's apartment, his/her office or any other room in which the addressee performs its professional activities, or in a conspicuous place at the entrance to the addressee's property.

In the case of failure to collect the letter in the above time, another notice is left stating the possibility of collecting the letter **no later than 14 days from the date of the first notice.**

Delivery shall be deemed effective at the end of the last day of the above-mentioned period, and the letter will be kept in the case files.

ELECTRONIC DELIVERY

In the case of delivery of a letter in electronic form to an electronic delivery address, delivery shall take place upon receipt by the addressee, and if the addressee has not received the letter within 14 days of its arrival at the electronic delivery address, the letter shall be deemed to have been delivered on the day following the expiry of that period.

2.7 DELIVERING CORRESPONDENCE IN THE CASE OF A TRIP ABROAD OR RESIDING ABROAD

- In the case of **travelling abroad, except for travel to another Member State of the European Union, a Member State of the European Free Trade Association (EFTA)** – a party to the Agreement on the European Economic Area or the Swiss Confederation, a person who resides in

Poland and will receive correspondence on behalf of the foreigner (a so-called **representative for service of documents in the country**) and **notify the authority** conducting the proceedings, unless service is made to an electronic address. If this obligation is not fulfilled, the letter shall be left in the files with the effect of delivery.

- **A party residing outside the European Union, another member state of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area or the Swiss Confederation**, if it has not appointed a representative to conduct the case residing in the country or if the delivery is not made to an electronic delivery address, is obliged to appoint a representative for service in Poland. If **no representative for service in Poland is appointed**, letters intended for that party shall be left in the case file with the effect of service.

2.8 REQUIREMENT OF KEEPING THE DEADLINE

Applications and requests drawn up in Polish shall be submitted within the deadline specified for the performance of a given action.

The deadline for performing a specific action shall be deemed to have been met if, before its expiry, the document has been:

- sent in electronic form to the public administration body at the address for electronic delivery, and the sender has received proof of receipt, issued after the correspondence has been received at the address for electronic delivery of the body (;
- posted **at a Polish post office of the designated operator** within the meaning of the Act of 23 November 2012 - Postal Law (Poczta Polska S.A.), or at a post office of an operator providing universal services in another Member State of the European Union, a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation;
- submitted to a **Polish consular office**,
- submitted by a soldier at the headquarters of a military unit,
- submitted by a member of a seagoing vessel's crew to the captain of the vessel,
- submitted by a person deprived of liberty to the administration of a prison,
- submitted by a foreigner placed in a guarded centre or detention centre for foreigners to the administration of that centre or detention centre.

Letters may also be submitted directly to the authority examining the case.

The designated operator within the meaning of the Postal Act is Poczta Polska Spółka Akcyjna.

Furthermore, the date of a specific action shall be deemed to be:

- in the case of delivery via a **foreign post office (with the exception of an office of an operator providing universal services in another Member State of the European Union, a Member State of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area or the Swiss Confederation) – the date of receipt by the designated postal operator at a Polish post office** (date of the postmark of the Polish postal operator);
- in the case of delivery **via postal operators in the Republic of Poland other than the designated operator (Poczta Polska Spółka Akcyjna) or via a courier company** (shipments sent both in Poland and abroad) – **the date of receipt by the authority.**

If the deadline specified in the request is missed, the foreigner may request that the deadline be reinstated within 7 days of the cause of the delay ceasing to exist. The foreigner should prove that the deadline was missed through no fault of their own. At the same time as submitting the request, the

documents listed in the summons should be completed or the actions listed therein should be performed.

2.9 GETTING ACCESS TO THE CASE FILE

- **At any stage of the proceedings the party has the right to inspect the case files, make notes, copies (e.g. photos) or duplicates. This right applies also after the end of the proceedings.**
- The party may request to authenticate duplicates or copies of the case files, or to be given certified copies of the case files, if it is **justified by the party's important interests**.
- **Stamp duty for the certificate of conformity for a duplicate or a copy of the document requested from case files for each full or started page amounts to PLN 5.**
- **The above-mentioned principles shall not apply to case files containing information classified as "secret" or "top secret", as well as to other files that the public administration authority will exclude due to important state interests.**
- **Active participation in the proceedings.** Public administration authorities are obliged to ensure active participation at each stage of the proceedings for the parties and, prior to the issuing of the decision, to make it possible for them to express their opinion on the evidence and materials collected, as well as requests submitted.
- The party may **familiarize themselves** with the case evidence, supplement the application submitted and make a statement to the minutes.

2.10 STAMP DUTY

The obligation to pay stamp duty for various forms of residence legalization arises upon submission of the application to the voivode. The stamp duty is paid to the account of the relevant tax authority, which is the **commune head (mayor, city president)**. The person submitting the application or other application must attach proof of payment of the stamp duty.

The following items are subject to stamp duty:

- Granting temporary residence permit – PLN 340
- Granting permit for temporary residence and work – PLN 440
- Changing a permit for temporary residence and work – PLN 220
- Granting permit for temporary residence for the purpose of performing work in a profession requiring high qualifications – PLN 440
- Granting a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder – PLN 440
- Granting permit for temporary residence for the purpose of intra-corporate transfer – PLN 440
- Granting a temporary residence permit for the purpose of long-term mobility of a managerial, specialist or trainee employee as part of an intra-corporate transfer – PLN 440
- Granting temporary residence permit for the purpose of seasonal work – PLN 170
- Granting permanent residence permit – PLN 640
- Granting long-term resident's EU residence permit – PLN 640

- Granting extension of a national visa – PLN 406
- Granting optional extension of the Schengen visa – EUR 30
- Decision other than the above, to which the provisions of the Code of Administrative Procedure apply – PLN 10
- Issuance of a certificate – PLN 17
- Submission of a document confirming the power of attorney or its extract, excerpt or copy – PLN 17

If the party does not pay the stamp duty when submitting an application, the authority conducting the proceedings shall fix a deadline to pay this amount. This deadline may not be less than 7 days and more than 14 days. If the amount due is not settled within the specified time limit, the application is returned. A detailed list of items subject to stamp duty, its rate and exemption can be found in the Annex to the Act of 16 November 2006 on stamp duty (uniform text, Journal of Laws of 2025 item 1154, as amended)

The exemption from stamp duty applies to temporary residence permits referred to in Article 160(4), (5) or (6), Article 176 and Article 186(1)(8) or (9) of the Act of 12 December 2013 on foreigners and to the permit granted to a foreigner enjoying temporary protection.

The exemption from stamp duty applies to permanent residence permits granted:

- 1) to a member of the repatriate's immediate family,
- 2) a foreigner who has been granted asylum,
- 3) the holder of the Pole's Card (*Karta Polaka*) intending to settle permanently in the territory of the Republic of Poland,
- 4) pursuant to Article 195(1) item 10 of the Act of 12 December 2013 on Foreigners.

RETURN OF STAMP DUTY

The return of stamp duty is made at the request of the party in situations where despite the payment of stamp duty there has been no official activity, and no certificate or permit have been issued. Stamp duty is not refundable after **five years** from the end of the year in which the payment was made. Pursuant to Article 12 (1) of the Stamp Duty Act, the tax authority competent in matters of stamp duty is **the commune head (mayor, city president)**.

3.1 AUTHORITY CONSIDERING THE APPLICATION

The application for **extension of Schengen visa or a national visa** shall be submitted to the **voivode with jurisdiction over the place residence of the foreigner**.

3.2 EXTENSION OF A NATIONAL VISA

A foreigner residing on the territory of the Republic of Poland can extend the validity of the national visa (with symbol D) issued **by Polish authority** or the period of stay covered by this visa, if the following conditions are jointly met:

- 1) It is in an **important professional or personal interest** of a foreigner, or because of **humanitarian reasons** he/she cannot leave the territory before the expiry of the national visa or before the end of the period of stay covered by this visa;
- 2) Events which are the cause of applying for extension of the national visa are **independent of the will of the foreigner** and were not foreseeable at the date of submitting the application for the national visa;
- 3) Circumstances of the case do not indicate that **the purpose of** a foreigner's stay on the territory of the Republic of Poland would be **different than the declared one**;
- 4) There are no circumstances to refuse the issue of a national visa.

If the data of a foreigner applying for an extension of a national visa are included in the Schengen Information System for the purposes of refusing entry and stay, the visa may only be extended taking into account the reasons underlying the decision of the Schengen State that made the entry in the Schengen Information System and taking into account the risks referred to in Article 27(d) of Regulation (EU) 2018/1861 of the European Parliament and of the Council (EU) 2018/1861 of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending the Convention implementing the Schengen Agreement and amending and repealing Regulation (EC) No 1987/2006 (OJ EU L 312 of 07.12.2018, p. 14, as amended), hereinafter referred to as 'Regulation No 2018/1861', which may result in the presence of a given foreigner on the territory of the Schengen area.

PERIOD OF STAY

National visa **may be extended once**. The period of stay on the territory of the Republic of Poland on the basis of extended national visa shall not exceed the period of stay envisaged for a national visa, i.e. 1 year (including the period of stay on the basis of a visa to be extended).

Stay in a hospital

A foreigner staying in a hospital whose health status precludes the possibility of leaving the territory of the Republic of Poland, is granted extension of the validity of the national visa or the residence period covered by this visa to the date on which his/her health status will allow him/her to leave this territory.

NOTE: The validity period does not always correspond to the period of stay authorised by the visa.

3.3 EXTENSION OF A SCHENGEN VISA

Schengen visa (symbol C) issued by **the Polish authority or the authority of another country of the Schengen area** and valid also in Poland or the period of stay covered by this visa **can be extended** to a foreigner residing on the territory of the Republic of Poland if:

- The foreigner has shown that **due to force majeure or for humanitarian reasons** it is not possible for him/her to leave the territory of the Member States before the expiry of a visa or before the end of the authorized period of stay.
 - **The aforementioned extension of visa is free of charge.**
- The foreigner provides a proof of **important personal reasons** justifying the extension of the validity period or the period of stay.
 - **The above extension costs EUR 30.**

PERIOD OF STAY

A foreigner who intends to extend the stay on the basis of:

- Schengen visa
- national visa

is obliged to submit an application for visa extension to the voivode competent for the place of his/her residence **no later than at the date of expiry of the period of his/her legal stay** on the territory of the Republic of Poland.

If the foreigner has applied for the extension of a Schengen visa or a national visa after the date referred to above initiation of proceedings on the extension of this visa **is refused**.

A foreigner who has applied for a visa extension within the above time limit, receives a **stamp** in the travel document, which confirms the submission of the application. If the deadline for submission of the application has been observed and the application has no formal defects formal defects have been completed on time, the foreigner's stay on the territory of the Republic of Poland shall be deemed legal from the date of submission of the application until a final decision on the extension of a Schengen visa or a national visa.

If **the proceedings** on the extension of a Schengen visa or a national visa are **suspended at the request of the foreigner**, his/her **stay** at that time **will not** be considered **legal**.

NOTE:

A stamp in the travel document does not entitle a foreigner to travel within the territory of the Schengen area, but the foreigner may go to the country of origin.

3.5 THE DECISION

Rozstrzygnięcie w sprawie przedłużenia wizy Schengen lub wizy krajowej następuje w drodze decyzji. Przedłużoną wizę Schengen lub wizę krajową zamieszcza się w dokumencie podróży w formie naklejki.

3.6 DOCUMENTS

A foreigner applying for extension of: a Schengen visa or a national visa is obliged to: submit a completed **application form** for the extension of a Schengen visa or a national visa, present a valid **travel document**, justify **the application** and attach to the application:

1. **1 photograph** that is undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed,

reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph. The photograph has to show the person without any headgear or dark glasses.

In the case of application for the extension of a Schengen or national visa, the foreigner with congenital or acquired vision defects may attach a photograph showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability. A foreigner wearing a headgear according to the rules of his/her religion can attach a photograph showing him/her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community. In justified cases, the application can be accompanied by a photograph depicting the foreigner with his or her eyes closed, other than a natural facial expression or with the mouth open.

2. Documents confirming:

- **Purpose and conditions of the stay**, including the need to extend a Schengen visa or a national visa;
- Having sufficient **funds** to cover the living costs for the entire period of intended stay on the territory of the Republic of Poland and a return trip to the country of origin or residence or for transit to a third country, which grants permission to enter, or the possibility of acquiring such funds in accordance with the law;
- The credibility **of the declaration of intention to leave Polish territory** before the expiry of the visa;
- **Having health insurance** within the meaning of the Act of 27 August 2004 on health care services financed from public funds or having travel medical insurance with a minimum amount of insurance in the amount of EUR 30,000, valid for period of intended stay of a foreigner on the territory of the Republic of Poland, covering any expenses which may arise during his/her stay on the territory of in connection with the necessity of return travel for medical reasons, urgent need of medical attention, emergency hospital treatment or death, in which the insurer agrees to cover the costs of health care benefits provided to the insured directly to the entity providing such benefits on the basis of a bill issued by this entity - in the case of extension of a national visa. Information on insurers and the insurance they offer which meets the statutory requirements can be found here: <https://www.gov.pl/web/dyplomacja/wizy>;
- **Having travel medical insurance** with a minimum amount of insurance of EUR 30.000, valid for the period of intended stay and throughout the territory of the Schengen area, covering any expenses referred to above - in the case of extension of a Schengen visa;
- Other circumstances provided in the application.

REQUIREMENTS FOR TRAVEL DOCUMENT:
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A foreigner applying for extension of a Schengen visa or a national visa presents for inspection a travel document which meets the following criteria:

- 1) **Validity** of the travel document expires no earlier than **3 months** after the expiry of the requested visa (unless there is an urgent case justified by the legitimate interest of the foreigner);
- 2) It contains at least **two blank pages**;
- 3) It has been **issued in the past 10 years**.

An application for granting temporary residence permit can be submitted if there are circumstances justifying the stay on the territory of the Republic of Poland for a **period longer than 3 months**, with the exception of a temporary residence permit granted due to circumstances that require a short-term stay and a permit for temporary stay for the purpose of the seasonal work.

A temporary residence permit is granted for the period necessary to achieve the purpose of the foreigner's stay in the territory of the Republic of Poland, but as a rule **not longer than 3 years**. For some permits, the regulations specify a shorter maximum period of validity (see point 4.7).

4.1 PURPOSES OF STAY FOR WHICH TEMPORARY RESIDENCE PERMIT IS OR CAN BE GRANTED OR MOBILITY MAY BE EXERCISED

1. PERMIT FOR TEMPORARY RESIDENCE AND WORK when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work

2. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work requiring high qualifications

2A. STAY OF FOREIGNERS IN THE TERRITORY OF THE REPUBLIC OF POLAND FOR THE PURPOSE OF SHORT-TERM MOBILITY OR LONG-TERM MOBILITY OF THE HOLDER OF AN EU BLUE CARD when the purpose of the foreigner's stay in the territory of the Republic of Poland the territory of the Republic of Poland is to benefit from the short-term mobility or long-term mobility of an EU Blue Card holder

3. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF INTRA-CORPORATE TRANSFER when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work in the host entity having their registered office on the territory of the Republic of Poland, as a manager, specialist or trainee employee, as part of the intra-corporate transfer company

4. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY AS A PART OF THE INTRA-CORPORATE TRANSFER, when the purpose of the foreigner's stay on the territory of the Republic of Poland is the use of short-term mobility or long-term mobility as part of an intra-corporate transfer

5. PERMIT FOR A TEMPORARY RESIDENCE FOR THE PURPOSE OF WORK FOR A FOREIGNER POSTED BY A FOREIGN EMPLOYER TO THE REPUBLIC OF POLAND when the purpose of the foreigner's stay in Poland is performing work by a foreigner delegated to Poland by the foreign employer

6. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING BUSINESS ACTIVITY when the purpose of the foreigner's stay on the territory of the Republic of Poland is conducting business activity under the applicable regulations in this regard in that territory

7. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF STUDYING AT HIGHER EDUCATION INSTITUTION when the purpose of his/her stay on the territory of the Republic of Poland is to take up or continue studies at the unit conducting the study approved by the minister competent for internal affairs unless this unit is not subject to the approval requirement or in the unit conducting the studies which is not subject to approval in relation to which a decision was issued prohibiting the admission of foreigners. **STUDENT MOBILITY.**

8. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF CONDUCTING RESEARCH is granted to a foreigner who is a scientist, when the purpose of his/her stay on the territory of the Republic of Poland is conducting research at research unit having its registered office on the territory of the Republic of Poland approved by the minister competent for internal affairs.

9. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND A LONG-TERM MOBILITY OF THE SCIENTIST when the purpose of a foreigner's stay on the territory of the Republic of Poland is to enjoy short-term or long-term mobility of the scientist.

10. A PERMIT FOR A TEMPORARY RESIDENCE FOR AN INTERN is granted to a foreigner when the purpose of his stay on the territory of the Republic of Poland is to complete an internship at the internship organizer approved by the minister competent for internal affairs.

11. TEMPORARY RESIDENCE PERMIT FOR A VOLUNTEER is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to participate in the European Voluntary Service

12. TEMPORARY RESIDENCE PERMIT FOR FAMILY MEMBERS OF POLISH CITIZENS AS WELL AS OF EU, EEA, SWITZERLAND OR GREAT BRITAIN (WITHDRAWAL AGREEMENT) CITIZENS is granted to a foreigner who remains in a marriage with Polish citizen recognized by Polish law or a foreigner who is a minor child of a foreigner who is married to a Polish citizen, and who has a temporary residence permit for a family member of a Polish citizen or a permanent residence permit granted due to being married to a Polish citizen. The permit may also be granted due to family ties with citizens of the Republic of Poland, EU, EEA, Switzerland or the United Kingdom (Withdrawal Agreement)

13. RESIDENCE PERMIT FOR TEMPORARY RESIDENCE FOR FAMILY MEMBERS OF FOREIGNERS is granted to a foreigner who remains in marriage recognised by the law of the Republic of Poland with foreigner residing on the territory of the Republic of Poland on a specified basis or is a minor child of the foreigner or a minor child of a foreigner who is married to a foreigner residing on the territory of the Republic of Poland. **STAY OF THE FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY OF THE FAMILY MEMBER OF THE SCIENTIST.**

14. STAY ON POLISH TERRITORY OF FOREIGNERS WHO ARE VICTIMS OF TRAFFICKING. A foreigner, in respect to whom there is a presumption that he/she is a victim of trafficking within the meaning of Article 115 (22) of the Criminal Code, is issued a certificate confirming the existence of this presumption. Temporary residence permit for victims of trafficking is granted to a foreigner if all of the following conditions are met: 1) the foreigner resides on the territory of the Republic of Poland, 2) he/she began cooperating with the authority running the criminal proceedings for the offence of human trafficking, 3) he/she terminated contacts with persons suspected of committing the above crime.

15. PERMIT FOR TEMPORARY RESIDENCE DUE TO CIRCUMSTANCES REQUIRING THE SHORT-TERM STAY may be granted to a foreigner if: 1) he/she is obliged to appear in person before the Polish public authority, or 2) the presence of the foreigner on the territory of the Republic of Poland is required by its exceptional personal situation, or 3) the presence of the foreigner on the territory of the Republic of Poland is required in the interest of the Republic of Poland

16. PERMIT FOR TEMPORARY RESIDENCE FOR THE PURPOSE OF SEASONAL WORK is granted when the purpose of the foreigner's stay on the territory of the Republic of Poland is performing work in the scope of activities specified in the provisions issued on the basis of Article 45 paragraph 2 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland (Journal of Laws of 2025, item 621) at the entity so far delegating performance of work or at another entity delegating performing work, and the foreigner has the permit for seasonal work or the extension of a permit for seasonal work

17. PERMIT FOR TEMPORARY RESIDENCE DUE TO OTHER CIRCUMSTANCES is granted or may be granted due to various circumstances. It is granted, among others, to other long-term residents of the EU from other Member States and to the members of their families. The above permit may also be granted if, for example, the purpose of a foreigner's stay in Poland is education or vocational training, to graduates of Polish universities and scientists who have completed research or development in Poland seeking work in Poland or planning to start a business, and living in Poland with their family. This permit is also granted to nationals of the Republic of Belarus who, immediately prior to the submission of their application, were staying in Poland on the basis of a national visa issued for humanitarian reasons, on grounds of state interest or international obligations (with the indication 'D 21' on the visa sticker).

4.2 ADDITIONAL REQUIREMENTS RELATED TO APPLICATION

A foreigner submits the application for temporary residence permit **in person**, except for the application for temporary residence permit for the purpose of **family reunification on behalf of the foreigner residing outside the borders of Poland**, the application for a temporary residence permit **referred to in points IV, V, VI or VIII of Chapter IV, point 4.6.12, on behalf of a foreigner residing outside Poland**, the application for granting temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or trainee employee as part of an intra-corporate transfer** no later than on **the last day of his/her legal stay** on the territory of the Republic of Poland. If the application for a temporary residence permit has not been submitted by the foreigner personally, **e.g. sent by post, the voivode requests foreigner to appear in person** within a period of not less than 7 days under pain of leaving the application without consideration.

Application for temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and temporary residence permit to enjoy **long-term mobility of an employee of the**

managerial staff, specialist or trainee employee as part of an intra-corporate transfer shall be submitted **by the host entity**. The host entity submits an application for granting **another permit for work as part of the intra-corporate transfer** and **for a temporary residence permits to enjoy long-term mobility of an employee of the managerial staff, specialist or trainee employee as part of an intra-corporate transfer**, no later than on the last day of the legal stay of a foreigner on the territory of the Republic of Poland.

In the case of a foreigner who is:

- 1) **A minor** – application for temporary residence permit is submitted by parents or guardians appointed by the court or by one of the parents or one of the guardians appointed by the court;
- 2) **A totally incapacitated person** – application for temporary residence permit submitted by a guardian appointed by the court;
- 3) **An unaccompanied minor** – application for temporary residence permit is submitted by the guardian.

When submitting an application for temporary residence permit by a foreigner who is a minor who on the day of submitting the application **is over 6 years old, his/her presence is required**.

When submitting an application for temporary residence permit by a foreigner who is a minor who on the day of submitting the application **is over 6 years old, his/her presence is required**.

When applying for a temporary residence permit the foreigner must submit fingerprints in order to issue a residence card.

This obligation **does not apply to foreigners**:

- who at the time of submitting an application **are under 6 years of age**, or
- from whom taking fingerprints **is physically impossible**, or
- who apply for a temporary residence **permit for the purpose of family reunification** and who at the time of submitting an application for a temporary residence permit stayed outside the borders of the Republic of Poland (**see point 4.6.13, point I**) or
- to whom an application for a **temporary residence permit referred to in points IV, V, VI or VIII of Chapter IV 4.6.12** applies and who, on the date of submitting the application for the permit, were outside the Republic of Poland, or
- who apply for a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer and temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** (see point 4.6.3 and 4.6.4).

If the foreigner does not submit fingerprints in order to issue a residence card, when applying for a temporary residence permit or within the time fixed by the voivode, the authority refuses to initiate proceedings for granting permit.

Fingerprints are taken **when submitting a separate application for a residence card (once the permit has been granted)** in the case of:

- **a temporary residence permit for the purpose of family reunification**, when a foreigner at the time of submitting an application for granting this permit was staying outside the borders of the Republic of Poland;
- the **temporary residence permit, referred to in points IV, V, VI or VIII of Chapter IV, point 4.6.12**, if the foreigner, on the date of submitting the application for the permit, was outside the Republic of Poland,

- a temporary residence permit for the purpose of performing work as part of the intra-corporate transfer;
- a temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer;
- in the case of a foreigner who is a member of the immediate family of the repatriate.

Data in the form of fingerprints taken in order to issue a residence card **shall be kept in appropriate registers until receipt of the residence card is entered in these registers by the issuing authority, after the issue of a residence card the data are deleted.**

In the case of a **decision to refuse** granting a temporary residence permit, the data in the form of fingerprints are stored in the above-mentioned registers, **until information about these decisions is entered in the registers**, when these decisions have become binding.

If the deadline for submission of the application has been observed and the application has no formal defects or it has been corrected on time, the voivode puts a **stamp** in foreigner's travel document which confirms the submission of the application. If the deadline for submission of the application has been observed and the application has no formal defects or they have been corrected on time **the stay of the foreigner is considered to be legal from the date of submission of the application until the date on which the decision on granting a temporary residence permit becomes final (e.g. within 14 days of its receipt, if no appeal is filed).**

If **the proceedings** on granting a temporary residence permit are **suspended at the request of the foreigner**, his/her **stay** at that time **will not** be considered **legal**.

If the host unit submits an application for granting a temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** to a foreigner who is residing outside the territory of the Republic of Poland, the above rules concerning the legal stay during the procedure, except for the suspension of proceedings at the request of the party shall apply accordingly in the event of a legal entry of the foreigner on the territory of the Republic of Poland after submission of the application.

NOTE:

Putting a stamp in the travel document does not entitle the foreigner to travel within the territory of other countries of the Schengen area, while the foreigner can go to the country of origin, but in order to return to Poland he/she should get a visa if comes from a country requiring a visa.

4.3 OTHER IMPORTANT INFORMATION

In the proceedings for granting or withdrawing a temporary residence permits **the only party to the proceedings is the foreigner**, except for proceedings for granting or withdrawing a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer**.

In the proceedings for granting a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** the party to the proceedings **is the host entity only**.

In the proceedings for withdrawal of a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of**

an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer the party to the proceedings is **the foreigner and the host unit**.

A foreigner who has been granted a temporary residence permit is obliged to **notify the voivode who granted this residence permit, within 15 working days, of the termination of the cause for granting the permit**. If a temporary residence permit was granted by the **Head of the Office for Foreigners** in the second instance, the above notification is directed to the **voivode who ruled on granting this residence permit in the first instance**.

A temporary residence permit **shall expire by virtue of law** on the date the foreigner is granted another temporary residence permit, a permanent residence permit, a long-term resident's EU residence permit or the Polish citizenship.

4.4 AUTHORITY CONSIDERING THE APPLICATION

The application for a temporary residence permit shall be submitted to the **voivode relevant for the foreigner's place of residence**.

The application for a **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** shall be submitted to the **voivode relevant for the registered office of the host entity**.

If the application for a temporary residence permit to a family member of the foreigner for the purpose of family reunification has been submitted on the same day or within 3 days from submitting the application for **temporary residence permit for the purpose of performing work as part of the intra-corporate transfer** or a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer**, the permit for the purpose of family reunification is granted or refused by the voivode competent for the registered office of the host entity.

4.5 DOCUMENTS

A foreigner is obliged to:

- present a **valid travel document**. In a particularly justified case, when a foreigner does not have a valid travel document and has no possibility to obtain it, he/she may present **another document confirming his/her identity**. **When submitting the application, the foreigner should write a detailed explanation on why he/she is unable to obtain a travel document and list the actions that he/she has taken to obtain it**. He/she may also be asked to provide documents as evidence confirming these actions. **The identity document, presented instead of a travel document, should unequivocally identify the foreigner**.
- submit a **completed application form** and attach to the application:
 - **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.
The photographs should show the person without any headgear or dark glasses.
A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be

accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.

A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.

In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.

Note – the lack of any of the above-mentioned documents is the formal defects of the application, which in the case of not correcting it after a call by the voivode responsible for the case will result in leaving the application without consideration.

- **proof of payment** of stamp duty;
- **documents necessary to confirm the data contained in the application** and circumstances justifying application for a temporary residence permit, including:
 - evidence of **health insurance** (e.g. insurance or certificates from the Social Security Institution) within the meaning of the provisions of the Act of 27 August 2004 on health care services financed from the public funds, or confirmation of coverage by the insurer of the costs of medical treatment on the territory of the Republic of Poland. The above documents should be attached in the case of applying for: permit for a temporary residence and work (point 1), permit for a temporary residence for the purpose of work in a profession requiring high qualifications (point 2), temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder (point 2A), permit for a temporary residence for the purpose of work as part of the intra-corporate transfer (point 3), a temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or trainee employee as part of an intra-corporate transfer (point 4), permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Poland (point 5), permit for temporary residence for the purpose of conducting business activity (point 6), permit for a temporary residence for the purpose of conducting research studying at higher education institutions (point 7), permit for a temporary residence for the purpose of conducting research (point 8), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for an intern (point 10), temporary residence permit for a volunteer (point 11), permit for a temporary residence for family members of foreigners (point 13), permit for a temporary residence for the purpose of seasonal work (point 16), permit for a temporary residence due to other circumstances (point 17);
 - **documents confirming a stable and regular source of income** (e.g. personal income tax return with the amount of income, certificates from the Social Security Institution etc.) sufficient to cover the costs of living for oneself and for family members dependent on him/her. The amount of monthly income should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance (uniform text, Journal of Laws of 2025, item 1214, as amended), with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 823 for people in the family or PLN 1010 for singles). The above documents should be attached in the case of applying for: permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Republic of Poland (point 5), permit for a temporary residence for the purpose of conducting business activity (point 6), permit for a temporary residence for family members of foreigners (point 13), permit for a temporary residence for the purpose of seasonal work (point 16), permit for a temporary residence due to other circumstances, such as vocational training (point 17);
 - **Documents confirming possession of sufficient funds to cover the costs of living and return to the country of origin or residence or the transit to a third country, which grants permission**

to enter (e.g. traveller's checks, certificates of credit card limits, information on awarded scholarships, etc.). The above documents should be attached in the case of applying for: permit for a temporary residence for the purpose of studying at higher education institutions (point 7), permit for a temporary residence for the purpose of conducting research (point 8), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for an intern (point 10), temporary residence permit for a volunteer (point 11). The amount of monthly income to cover the costs of living should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance, with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 823 for people in the family or PLN 1010 for singles). It is considered, that the above-mentioned **costs of residence** include at least the amount of fixed fees related to the use of occupied premises in the settlement for the number of people residing in the premises, as well as fees for supplies to the premises of energy, gas, water, and collection of sewage, waste and liquid waste. The minimum amount of funds to cover the costs of return travel to the country of origin or residence or the costs of transit to a third country that will grant permission to enter, and documents that can confirm obtaining the required financial resources are specified in separate implementing regulations to the Act on foreigners.

- **Documents confirming possession of sufficient funds to cover the costs of living and return to the country of origin or residence or the transit to a third country, which grants permission to enter** (e.g. traveller's checks, certificates of credit card limits, information on awarded scholarships, etc.). The above documents should be attached in the case of applying for: temporary stay due to other circumstances in order to complete or continue studying (point 17). The amount of monthly income to cover the costs of living should be higher than the amount of income entitling to cash benefits from social assistance defined in the Act of 12 March 2004 on social assistance, with respect to the foreigner and each family member dependent on him/her. (The amount should exceed PLN 823 for people in the family or PLN 1010 for singles). The minimum amount of funds to cover the costs of return travel to the country of origin or residence or the costs of transit to a third country that will grant permission to enter, and documents that can confirm obtaining the required financial resources are specified in separate implementing regulations to the Act on foreigners.
- **Documents confirming a place of residence on the territory of the Republic of Poland (e.g. certificate of registration or tenancy agreement)** should be attached in the case of applying for: permit for a temporary residence for the purpose of performing work as part of the intra-corporate transfer (point 3), a temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or trainee employee as part of an intra-corporate transfer (point 4), permit for a temporary residence for the purpose of work for a foreigner posted by a foreign employer to the Republic of Poland (point 5), permit for a temporary residence for the purpose of conducting business activity (point 6), temporary residence permits for the long-term mobility of the scientist (point 9), temporary residence permit for an intern (point 10), temporary residence permit for a volunteer (point 11), permit for a temporary residence for family members of foreigners (point 13), permit for a temporary residence due to other circumstances (point 17).

EXCEPTIONS

In the case of a temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and a **temporary residence permit to enjoy long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** the application is submitted by **the host unit** which is obliged to present the required documents. Furthermore, the host unit presents a **copy of a valid travel document** of a foreigner.

The requirement for submission of documents confirming having: stable and regular source of income, health insurance and the place of residence does not apply to, among others, permits for spouses of

Polish citizens, victims of human trafficking and holders of a national visa issued for the purpose of arrival for humanitarian reasons, due to the interest of the state or international obligations (citizens of the Republic of Belarus).

APPLICATION FORM

In the case of applying by a foreigner for a permit for **temporary residence and work**, a permit for temporary residence for the purpose of **work in a profession requiring high qualifications** or a temporary residence permit for the purpose of **conducting business activity**, if the purpose of the foreigner's stay is to perform work by holding a position in the management board of a limited liability company or a joint stock company that he/she established or whose shares or stock he/she acquired purchased or running a limited partnership or limited-joint stock partnership by a general partner, or acting as a proxy along with the application form for a temporary residence permit should be attached to **Annex No 1** filled out by the **entity entrusting work to the foreigner** (the employer).

The foreigner submits the **application for a change of the temporary residence and work permit on a separate application form** and attaches to it **Appendix no. 1** concerning the application for a temporary residence and work permit, completed by the entity entrusting him or her with work.

In addition, in the case of applying for a temporary residence permit for the purpose of **work in a profession requiring high qualifications** or a temporary residence permit for the purpose of **long-term mobility of the EU Blue Card holder** a foreigner is obliged to attach **Annex No 2** to the application.

If a foreigner applies for a temporary residence permit or a temporary residence permit for a **volunteer** the foreigner is obliged to attach **Annex No. 3** to the application form.

A foreigner applying for a temporary residence permit for the purposes of **conducting scientific research** or temporary residence permit for **long-term mobility of the scientist**, **Annex 4** should be attached to the application form

In the case of a temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and a temporary residence permit to enjoy **long-term mobility of an employee of the managerial staff, specialist or internship employee, as part of an intra-corporate transfer** the application for the above-mentioned permits shall be submitted on a specially designed application form.

4.6 DETAILED REGULATIONS RELATED TO TEMPORARY RESIDENCE PERMISSIONS AND THE USE OF MOBILITY

4.6.1. PERMIT FOR TEMPORARY RESIDENCE AND WORK

A temporary residence and work permit is granted when the purpose of a foreigner's stay in the territory of the Republic of Poland is to perform work and they meet the required conditions.

Performing work is understood as the performance of work by a foreigner in connection with the entrusting of work to them within the meaning of Article 2(9) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland (Journal of Laws, item 621 item 621), i.e. entrusting a foreigner with:

- a) performing work in the territory of the Republic of Poland on the basis of an employment relationship, a service relationship or a contract for work, or
- b) performing work or providing services in the territory of the Republic of Poland on the basis of civil law contracts, in particular contracts of mandate, contracts for the provision of services, contracts for specific

work or contracts for assistance with harvesting within the meaning of the provisions on social insurance for farmers, or performing work during the period of membership in an agricultural production cooperative, agricultural circles cooperatives or agricultural service cooperatives, or

c) performing functions in the management boards of legal persons entered in the register of entrepreneurs of the National Court Register, hereinafter referred to as the 'KRS register of entrepreneurs', or capital companies in organisation, if the foreigner resides in the territory of the Republic of Poland, or

d) representing or managing the affairs of a limited partnership or joint-stock limited partnership entered in the KRS register of entrepreneurs, if the foreigner resides in the territory of the Republic of Poland, or

e) performing the function of a proxy of an entrepreneur entered in the KRS register of entrepreneurs, if the foreigner resides in the territory of the Republic of Poland.

The conditions for granting a permit are:

- the foreigner has **health insurance** (see point 4.5). This requirement shall be deemed fulfilled if the foreigner has health insurance within the meaning of the provisions of the Act of 27 August 2004 on health care services financed from public funds in relation to the performance of work forming the basis for applying for a temporary residence permit.

- the foreigner will perform work in a profession that is **not included in the list of professions for which a work permit for a foreigner is refused due to the difficult situation on the local labour market**, justifying the restriction of the possibility of foreigners taking up employment in the district, which may be determined by the district administrator on the basis of Article 31(3) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland.

This requirement **does not apply** if the foreigner meets the conditions for exemption from the requirement to hold a work permit, as specified in separate regulations;

The register of occupations referred to in Article 31(3) of the above-mentioned Act, divided into districts and voivodships, is kept by the minister responsible for labour and published in the Public Information Bulletin on the website of the office serving that minister and in the ICT system referred to in Article 26(1)(7)(b) of the Act of 20 March 2025 on the labour market and employment services.

- **remuneration**, referred to in an Annex to the application for a temporary residence permit **by the entity (employer) entrusting work**, should not be less than the remuneration of employees working similar hours and of **comparable type or at comparable position**. This requirement **shall not apply** if the foreigner meets the conditions for exemption from the requirement to obtain a work permit, as defined by separate regulations.

- the amount of monthly remuneration should not be less than the **amount of the minimum remuneration for work regardless of the work time and type of legal relationship** constituting the basis for performance of work by a foreigner. This requirement is also deemed to be fulfilled if the purpose of the foreigner's stay in the territory of the Republic of Poland is to perform work for more than one entity commissioning work to the foreigner and the total remuneration indicated in the appendices to the application for a temporary residence permit is not lower than the remuneration determined in such manner.

Except general cases of refusal to initiate the proceedings (see section 4.9), **initiation of the** concerning granting the foreigner a temporary residence permit and work permit **proceedings is refused**, if on the day of submitting the application, the foreigner:

- 1) Is **the employee delegated** to perform work on the territory of the Republic of Poland for a specific date by the employer having its registered office outside the borders of the Republic of Poland – throughout the whole period or

- 2) Stays on the territory of the Republic of Poland on the basis of the obligations mentioned in international agreements concerning facilitation of entry and temporary residence of some categories of natural persons involved in trade or investments, or
- 3) **Conducts business activities on the territory of the Republic of Poland, or**
- 4) stays on the territory of the Republic of Poland in order to perform work within the scope of activities specified in the regulations issued on the basis of Article 45 paragraph 2 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland (seasonal work) or
- 5) resides in the territory of the Republic of Poland on the basis of **a visa issued by a Polish authority for the purpose referred to in Article 60(1)(1)-(3), (7), (9)-(11), (14)-(16) or (18)** of the Act on Foreigners, i.e. for the following purposes:
 - tourism, visa designation in the comments field: "01";
 - visiting family or friends - "02";
 - participating in sporting events - - "03";;
 - conducting cultural activities or participating in conferences - "07";
 - undergoing first-cycle studies, second-cycle studies or uniform master's studies or education at a doctoral school - "09";
 - vocational training - "10";
 - other forms of education or training - "11";
 - transit;
 - air transit (visa type - A);
 - medical treatment - "14";
 - participation in a cultural or educational exchange programme, humanitarian aid programme or holiday work programme - "16", or
- 6) Stays on the territory of the Republic of Poland for **tourist purposes or to visit family** or friends on the basis of a **visa issued by another state in the Schengen area**, or
- 7) resides in the territory of the Republic of Poland **on the basis of a long-term visa** referred to in Article 18 of the Schengen Implementing Convention, **issued by another Schengen country, unless**, while residing on the basis of that visa, **he or she enjoys mobility within the territory of the Republic of Poland**, or
- 8) resides in the territory of the Republic of Poland **on the basis of a residence permit** referred to in Article 1(2)(a) of Regulation No 1030/2002, **issued by another Schengen country, unless**, while residing on the basis of that document, **he or she enjoys mobility within the territory of the Republic of Poland**, or
- 9) resides in the territory of the Republic of Poland on the basis of an entry permit referred to in Article 32(1) of the Act on Foreigners, granted by the commander of a Border Guard post (with the consent of the Commander-in-Chief of the Border Guard) to a foreigner who does not meet all the conditions for entry into the Schengen area.

Except general cases of refusal to grant temporary residence permit (see section 4.10) granting to foreigner temporary residence permit and work permit **is refused**, if (Article 117(1) or (2) of the Act on Foreigners):

1) The entity entrusting work to the foreigner or the entity managing or controlling thereof:

a) has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or

b) has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or

c) is a natural person convicted by a final judgement for an offence referred to in Articles 218-221, Article 270, Article 271, Article 272, Article 273 or Article 275 of the Criminal Code, or

d) is a natural person convicted by a final judgement for an offence referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland in violation of the regulations, or

e) has been convicted of an offence referred to in Article 11 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying illegally in the territory of the Republic of Poland, or

f) is a natural person who has been convicted of an offence referred to in Article 189a of the Criminal Code, or has been convicted in another country of an offence referred to in the Report to Prevent, Suppress and Punish Trafficking in Persons, in particular women and children, supplementing the United Nations Convention against Transnational Organised Crime, adopted by the United Nations General Assembly on 15 November 2000 (Journal of Laws of 2005, item 160), or

g) fails to fulfil the obligation to pay social security contributions, health insurance, the Labour Fund, the Guaranteed Employee Benefits Fund, the Bridge Pension Fund and the Solidarity Fund, or fails to fulfil the obligation to pay contributions for social insurance for farmers, except in cases where he has obtained a legally prescribed deferral of payment or instalment plan for overdue payments, or where the amount of the unpaid contribution does not exceed the amount of the costs of a reminder in enforcement proceedings, or

h) fails to comply with the obligation to register employees or other persons covered by compulsory social insurance for social insurance, or

i) is in arrears with the payment of the income tax on natural persons or corporate income tax, except in cases where they have obtained a statutory exemption, deferral, an instalment plan for overdue payments, or a suspension of the entire enforcement of the decision of the competent authority;

2) The foreigner:

a) **Does not have formal qualifications or fails to** meet other conditions in the case of the intention to delegate the performance of work in profession regulated as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States (Journal of Laws of 2023, item 334 as amended) or

b) Was convicted by final judgment for **offences**, mentioned in Article 270–275 of the Penal Code, committed in connection with the proceedings on issuing work permit or granting temporary residence permit and work permit.

A temporary residence and work permit shall also be refused if (Article 117a of the Act on Foreigners):

1) the entity entrusting work to a foreigner or the user employer **does not conduct activities justifying** the employment of a given foreigner in a given period, including having suspended business activity, being removed from the relevant register or being in the process of liquidation, or

2) the entity entrusting work to the foreigner **does not have the financial resources** or sources of income necessary to cover the obligations arising from the employment of the foreigner, or

3) the entity entrusting work to the foreigner **was established or operates mainly for the purpose of facilitating the entry of foreigners** into the territory of the Republic of Poland, or

4) the circumstances of the case indicate that **the foreigner would be employed by an entity that is not a temporary employment agency** operating in the territory of the Republic of Poland in accordance with the applicable regulations, **and the work would be performed for a third party.**

In proceedings for the granting of a temporary residence and work permit, the provisions of Article 27 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, according to which the voivode, when considering applications for a work permit for a foreigner for a Polish entity entrusting work to a foreigner, **shall consider the applications in the following order:**

1) entrepreneurs specified in the list of entrepreneurs conducting business activity of significant importance to the national economy in the territory of the Republic of Poland, referred to in Article 28(1) of the above-mentioned Act. The minister responsible for the economy shall make the list of entrepreneurs available in the Public Information Bulletin, on the website of the office serving that minister: <https://www.gov.pl/web/rozwoj-technologie/wykaz-przedsiębiorców-o-istotnym-znaczeniu-dla-gospodarki-narodowej>;

2) for the issuance of another work permit for the same Polish entity assigning work to a foreigner and for the same foreigner, with working hours not lower than and remuneration not lower than those specified in the previously issued work permit, valid on the date of submitting another application for a work permit;

3) concerning foreigners who are to perform work in professions specified in the list of professions in which there are staff shortages, referred to in Article 29(1) of the above-mentioned Act;

4) other.

The decision on granting a foreigner a permit for temporary residence and work shall indicate, in addition to the period of validity of the permit:

1) the entity entrusting work to the foreigner and, if the foreigner will be a temporary employee - also the user's employer;

2) position or type of work

3) the lowest remuneration that a foreigner will receive in a given position;

4) working time;

5) change in the type of agreement which serves as the basis for the foreigner's employment.

Where the decision designates several entities entrusting work to the foreigner, the conditions for the performance of work shall be determined separately for each entity.

The decision on granting a foreigner a permit for temporary stay and work **shall not indicate** the entity entrusting work to the foreigner, the user employer and the conditions for the performance of work if the foreigner **fulfils the conditions for exemption from the requirement to have a work permit**, specified by separate provisions. In such a case, the decision on granting a temporary residence and work permit shall contain, in addition to the period of validity of the permit, information that the foreigner is entitled to perform work under the conditions specified in the provision which is the basis for exemption from the requirement to have a work permit.

If the application for granting a foreigner a temporary residence and work permit concerns part-time work or work under a civil law agreement, the decision on granting a temporary residence and work permit shall indicate the lowest remuneration in proportion to the duration of the work or the expected period of performance of obligations under the agreement.

CHANGE OF THE TEMPORARY RESIDENCE AND WORK PERMIT:

The foreigner **should apply** to the voivode competent with regard to the place of current residence for amending temporary residence permit, if he/she intends to perform work :

1) with a different employer (than the one specified in the permit) **or under conditions of exemption from the work permit, or**

2) for a different user's employer (other than the one specified in the permit) or

3) under different conditions than those, mentioned in the permit (i.e. on a different position or type of work, with lower remuneration, in the event of amending working time or type of agreement being the basis for performing work).

Alternatively, the foreigner may in this situation apply for a new temporary residence and work permit.

A change or granting of a new temporary residence and work permit is not required if:

1) there has been a change in the registered office or place of residence, name or legal form of:

a) the entity entrusting work to the foreigner,

b) the user's employer;

2) the establishment or part thereof has been transferred to another employer;

3) the working time specified in the temporary residence and work permit has been increased with a proportional increase in remuneration;

4) there has been a change in the name of the job without a change in the foreigner's duties;

5) a civil law contract has been replaced by an employment contract.

NOTE: The entity entrusting work to a foreigner **shall notify the voivode** who granted the temporary residence and work permit **in writing within 15 working days** of the above circumstances. If the temporary residence and work permit was granted by the Head of the Office in the second instance, the notification shall be managed to the voivode who decided on the granting of the temporary residence and work permit in the first instance.

The period of validity of the temporary residence and work permit shall not be altered.

The Voivode **refuses to change** the temporary residence and work permit in the case of the intention to work for a different employer (than the one listed in the permit) or under conditions of exemption from the work permit if:

1) the foreigner does not fulfil the condition of having health insurance, or

2) the entity commissioning the work to the foreigner does not meet the condition of not performing work in a profession that is on the list of professions for which a work permit for a foreigner is refused due to the difficult situation on the local labour market, and the condition regarding the remuneration not lower than the remuneration of employees performing at the same time work of a comparable type or in a comparable position, or

3) the above-mentioned circumstances relating to the refusal to grant a temporary residence and work permit, referred to in Article 117(1) or (2) of the Act on Foreigners, occur, or

4) the amount of monthly remuneration would be lower than the amount of minimum remuneration for work, regardless of the work time and type of legal relationship constituting the basis for performance of work by a foreigner, or

5) the foreigner intends to carry out work for a period shorter than the period of validity of the modified permit for temporary residence and work, or

6) the foreigner has not informed the Voivode about the loss of work within 15 working days.

A Voivode **may refuse to change** a temporary residence and work permit in the case of an intention to work for an entity entrusting work to another entity (than the one indicated in the permit) or under conditions of exemption from the obligation to possess a work permit, if:

1) the entity entrusting work to a foreigner or the user employer does not conduct activities justifying the employment of a given foreigner in a given period, including suspension of activities, removal from the relevant register or liquidation, or

2) the entity entrusting work to a foreigner does not have the financial resources or sources of income necessary to cover the obligations arising from the employment of a foreigner.

A Voivode **may refuse to change** a temporary residence and work permit in the case of an intention to work for a different user employer (than the one specified in the permit) or under different conditions than those specified in the permit, if

1) the foreigner does not fulfil the condition of having health insurance, or

2) the entity commissioning work to the foreigner does not meet the condition of not performing work in a profession that is on the list of professions for which a work permit for a foreigner is refused due to the difficult situation on the local labour market, and the condition regarding the remuneration not lower than the remuneration of employees performing at the same time work of a comparable type or in a comparable position and the condition regarding the amount of monthly remuneration, not lower than the minimum wage regardless of the working time and the type of legal relationship constituting the basis for the foreigner's employment.

A party to the proceedings to amend a temporary residence and work permit is exclusively the foreigner.

The foreigner submits the application for a change of the temporary residence and work permit on a separate application form and attaches it:

1) Appendix no. 1 on the application for a temporary residence and work permit, completed by the entity commissioning the work;

2) documents necessary to confirm the data contained in the application and the circumstances justifying the change of the temporary residence and work permit.

The foreigner may perform work **for an additional entity entrusting the work on the basis of a separate work permit. Work permit for the foreigner is obtained, in this case, by the entity entrusting the work.**

INFORMATION OBLIGATIONS:

- **Concerning changes in circumstances that do not require a change or issuance of a new temporary residence and work permit:**

1. The entity entrusting work to a foreigner **shall notify the voivode** who granted the temporary residence and work permit in writing, **within 15 working days**, of the following circumstances which do not require a change or the issuance of a new temporary residence and work permit:

- 1) there has been a change in the registered office or place of residence, name or legal form of:
 - a) the entity entrusting work to a foreigner,
 - b) the user's employer;
- 2) the establishment or part thereof has been transferred to another employer;
- 3) the working time specified in the temporary residence and work permit has been increased with a proportional increase in remuneration;
- 4) there has been a change in the name of the job without a change in the foreigner's duties;
- 5) a civil law contract has been replaced by an employment contract.

If the temporary residence and work permit was granted by the Head of the Office in the second instance, the notification shall be managed to the provincial governor who decided on the granting of the temporary residence and work permit in the first instance.

- **Concerning loss of employment:**

2. The foreigner who stays in Poland on the basis of temporary residence permit and work permit is obliged to notify the voivode who granted this permit, in writing within 15 days working days, on the loss of work for any of the entities, listed in the permit, entrusting work to the foreigner (employers). If temporary residence permit and work permit is granted by the **Head of the Office for Foreigners** in the second instance, the above notice is directed to **the voivode who ruled in the case on granting this permit in the first instance**. This obligation is **deemed to have been fulfilled** if the foreigner has, **within 15 working days, submitted an application for a change** of the temporary residence and work permit due to the intention to work for another entity entrusting work to the foreigner (than the one listed in the permit) or under conditions of exemption from the work permit.

3. The entity entrusting work to a foreigner listed in the temporary residence and work permit **shall notify in writing the voivode** who granted the permit, and if the temporary residence and work permit was granted by the Head of the Office in the second instance - the provincial governor who ruled on the granting of the temporary residence and work permit in the first instance, **of the loss of employment by the foreigner to whom the permit was granted, within 15 days of the event.**

WITHDRAWAL OF THE PERMIT:

Except cases, mentioned in section 4.11, the voivode **withdraws** temporary residence permit and work permit, if:

- 1) **The position**, mentioned in the permit **was changed** or **the amount of the remuneration was reduced** and this permit **was not changed** or
- 2) The entity entrusting work to the foreigner **does not conduct any business, agricultural or statutory activities**, in particular suspended activities, is crossed out from the relevant register or is under liquidation.

Temporary residence permit and work permit **is not subject to withdrawal** due to the loss of work for the entity entrusting work to the foreigner, mentioned in the permit **within 30 days counted from the day of the loss of work:**

- 1) if the foreigner proves that he or she has fulfilled the obligation to notify the loss of work referred to above, or
- 2) if the notice of job loss referred to above has not been delivered to the Voivode for reasons beyond the foreigner's control.

In the case of the loss of work for all entities entrusting work to the foreigner, listed in the permit, this provision shall apply **only once during the validity of the permit**.

A TEMPORARY RESIDENCE AND WORK PERMIT IN THE CASE OF EXERCISING FUNCTIONS IN THE MANAGEMENT BOARD OF A LEGAL PERSON OR AS A PROXY

If the performance of work on the territory of the Republic of Poland consists in **performing by the foreigner managerial services subject to the entry in the register of entrepreneurs whose shares or stocks the foreigner does not have or as a proxy**, temporary residence permit and work permit are granted if the foreigner has health insurance within the meaning of the provisions of the Act of 27 August 2004 on health care services financed from public funds or confirmation of coverage by the insurer of the costs of treatment in the territory of the Republic of Poland and the entity which is or will be managed by the foreigner meets the requirements concerning **favourability of business activities (see section 4.6.6)**.

Obtaining temporary residence permit and work permit **does not exempt from the fulfilment of requirements specified in separate legal regulations relating to the performance of regulated professions or activities**.

4.6.2. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK IN A PROFESSION REQUIRING HIGH QUALIFICATIONS

A temporary residence permit for the purpose of performing work in a profession requiring high qualifications is granted when the purpose of a foreigner's stay in the territory of the Republic of Poland is to perform work in a profession requiring high qualifications and he or she meets the required conditions.

Higher professional qualifications – mean qualifications obtained as a result of completing higher education or qualifications obtained as a result of professional experience.

Qualifications obtained as a result of completing higher education – are qualifications obtained as a result of successful completion, certified by a diploma, certificate or other document issued by the competent authority of the higher education programme, i.e. a series of classes conducted by an educational institution recognised as a higher education institution by the state in which it is based, provided that the duration of the studies necessary to obtain them is at least 3 years.

Qualifications obtained as a result of professional experience - are qualifications obtained as a result of:

- a) 3 years of professional experience at a level comparable to the level of qualifications obtained as a result of completing higher education, necessary to perform the work specified in the contract, within a period not exceeding 7 years preceding the submission of the application for a permit, if the foreigner performs a profession listed in the announcement referred to in Article 138a of the Act on Foreigners (see Monitor Polski of 2025, item 549),
- b) 5 years of professional experience at a level comparable to the level of qualifications obtained as a result of completing higher education, necessary to perform the work specified in the contract, if the foreigner does not perform a profession listed in the announcement referred to in Article 138a of the Act on Foreigners (see Monitor Polski of 2025, item 549).

The conditions for granting the permit are the following:

- Conclusion, for **the period of at least 6 months, of the employment contract**, tolling contract, civil law contract, on the basis of which the work is performed, services are provided or remains under official relation,
- Having **formal qualifications and fulfilment of other conditions in the case of intention to perform work in regulated profession**, as defined by Article 5 (4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States (Journal of Laws of 2023, item 334 as amended),
- possession of **higher professional qualifications necessary to perform work in this profession, in the case of an intention to perform work in a profession that is not a regulated profession**,
- the foreigner has **health insurance** (see point 4.5),
- the foreigner will perform work in a profession that is **not included in the list of professions for which a work permit for a foreigner is refused due to the difficult situation on the local labour market**, justifying the restriction of the possibility of foreigners taking up employment in the district, which may be determined by the district administrator on the basis of Article 31(3) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland.

The register of occupations referred to in Article 31(3) of the above-mentioned Act, divided into districts and voivodships, is kept by the minister responsible for labour and published in the Public Information Bulletin on the website of the office serving that minister and in the ICT system referred to in Article 26(1)(7)(b) of the Act of 20 March 2025 on the labour market and employment services.

This requirement does not apply if:

- 1) Immediately before submitting the application, the foreigner had work permit or residence permit and work permit or a temporary residence permit to perform a job requiring high qualifications at the same employer and on the same position, or
 - 2) The foreigner had been already legally employed within the territory of the Republic of Poland for the period of 2 years on the basis of a temporary stay permit in order to perform work in a profession requiring high qualifications, or
 - 3) The foreigner meets the terms concerning exemption from the obligation to have work permit, as specified in separate regulations.
- **the annual gross remuneration** resulting from monthly or annual remuneration, mentioned in the contract, should not be lower than **the equivalent of 150% of the amount of the average remuneration in the national economy in the year preceding the submission of the application** for a temporary residence permit for the purpose of highly qualified employment, announced by the President of the Central Statistical Office on the basis of Article 20 (1) (a) of the Act of 17 December 1998 on Old-Age and Disability Pensions from the Social Insurance Fund (uniform text, Journal of Laws of 2024, item 1631 as amended) (Art. 127 point 3 of the Act).

Except general cases of refusal to initiate the proceedings referred to in section 4.9 points 1-3 i 5-11 of the instruction, **initiation of the proceedings is refused** on granting temporary residence permit to the foreigner to perform work in profession requiring high qualifications, when on the day of submitting the application for the permit, the foreigner:

- 1) Applies for granting temporary residence permit to conduct scientific research or a temporary residence permit to enjoy long-term mobility of a scientist or has such permit, or
- 2) Is an employee of the enterprise conducting business activities in another Member State of the European Union and is temporarily delegated by the employer to perform services on the territory of the Republic of Poland, or

- 3) Stays on the territory of the Republic of Poland on the basis of the obligations, mentioned in the international contract concerning facilitation of entry and temporary residence of some categories of natural persons involved in trade or investments, or
- 4) Has permit, mentioned in Article 186(1) (3) (a) of the Act on Foreigners, being long-term resident of the EU from another EU Member State, or
- 5) Stays on the territory of the Republic of Poland on the basis of a **visa issued by the Polish authority for tourism purposes** or to **visit** family or friends, or
- 6) Stays on the territory of the Republic of Poland for **tourist purposes or to visit** family or friends on the basis of a **visa issued by another state in the Schengen area, or**
- 7) resides in the territory of the Republic of Poland on the basis of a permit for tolerated stay or a permit for stay on humanitarian grounds or in connection with the granting of asylum or temporary protection in the Republic of Poland.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10 points 1-5 i 8-9), granting temporary residence permit to perform work in profession requiring high qualifications is **refused** from the foreigner, if **the entity entrusting work** to a foreigner:

- a) was established or operates mainly for the purpose of facilitating the entry of foreigners into the territory of the Republic of Poland, or
- b) is managed or controlled by a natural person who has been lawfully:
 - punished for the offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland (Journal of Laws, item 621), who, within 2 years of being punished, has been punished again for a similar offence, or
 - punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland, or
 - convicted of an offence referred to in Articles 218-221 of the Criminal Code, or
 - convicted of an offence referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland contrary to the regulations, or
 - punished for an offence referred to in Article 11 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying illegally in the territory of the Republic of Poland, or
- c) fails to fulfil the obligation to pay social security contributions, or
- d) is in arrears with the payment of taxes, except in cases where he or she has obtained a legally prescribed exemption, deferral, instalment plan for overdue payments or suspension of the entire enforcement of the decision of the competent authority, or
- e) does not conduct business activity or has been declared bankrupt.

In the decision to grant a foreigner a temporary residence permit for the purpose of performing work in a profession requiring high qualifications the period of validity of that permit shall be specified and it shall be indicated that the foreigner may perform work in a profession requiring high qualifications for remuneration not lower than the remuneration determined on the basis of Article 127(3) of the Act on Foreigners, specifying the remuneration required for the granting of that permit.

Obtaining a temporary residence permit for the purpose of performing work in a profession requiring high qualifications **does not exempt the holder from meeting the requirements specified in separate regulations concerning the performance of regulated professions or activities.**

INFORMATION OBLIGATIONS OF THE PERMIT HOLDER:

A foreigner staying in the territory of the Republic of Poland on the basis of this permit **is obliged to notify the voivode** who granted the permit **in writing within 15 working days:**

- **of the loss of employment,**
- **of a change in the entity entrusting work to the foreigner,**
- **of ceasing to meet the requirements for granting this permit,**
- **the commencement of long-term mobility of the EU Blue Card holder, indicating the Member State of the European Union in which this mobility is exercised.**

If the permit was granted by the Head of the Office for Foreigners in the second instance, the above notice is directed to the **voivode who ruled on granting permit in the first instance.**

WITHDRAWAL OF THE PERMIT:

In addition to the general cases applicable to this permit, referred to in section 4.11 points 1-5 and 8, a foreigner's temporary residence **permit** for the purpose of performing work in a profession requiring high qualifications **shall be revoked** when (Article 133(1)(1), (3) and (4) of the Act on Foreigners):

1) the circumstances of the case indicate that the foreigner **is not performing work in a profession requiring high qualifications,** or

2) the entity entrusting work to the foreigner:

- fails to fulfil the obligation to pay social security contributions, or
- is in arrears with tax payments, except in cases where it has obtained a statutory exemption, deferral, instalment plan for arrears or suspension of the entire enforcement of the decision of the competent authority,

3) the foreigner **has failed to fulfil the obligation to notify** in writing, within 15 working days, the provincial governor who granted the permit or who decided on the granting of the permit in the first instance, of:

- **the loss of employment,**
- **a change in the entity entrusting work** to the foreigner, or
- **ceasing to meet the requirements for granting him/her this permit.**

The premise for revoking the permit referred to in point 3 shall not apply if the foreigner proves that he or she has fulfilled the obligation to notify, or the notification has not been delivered to the voivode for reasons beyond the foreigner's control.

A foreigner's temporary residence permit for the purpose of performing work in a profession requiring high qualifications **shall not be revoked** due to the **cessation of the purpose of stay** which was the reason for granting the permit or due to the **cessation of meeting the requirements for granting the permit** due to the declared purpose of stay, if:

1) **the period of the foreigner's unemployment did not exceed 3 months,** if the foreigner has been residing in the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of performing work in a profession requiring high qualifications for a period shorter than 2 years;

2) **the period of the foreigner's unemployment did not exceed 6 months**, if the foreigner resides in the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of performing work in a profession requiring high qualifications **for a period of not less than 2 years**.

A **decision to revoke** a temporary residence permit for the purpose of performing work in a profession requiring high qualifications, due to failure to comply with the obligation to pay social security contributions or tax arrears by the entity entrusting the work, **shall be issued no earlier than:**

1) after 3 months from the date of initiation of proceedings for the revocation of this permit, if the foreigner has been residing in the territory of the Republic of Poland on the basis of this permit for less than 2 years;

2) after 6 months from the date of initiation of proceedings for the revocation of this permit, if the foreigner has been residing in the territory of the Republic of Poland on the basis of this permit for a period of not less than 2 years.

In the event that a foreigner in another Member State of the European Union benefits from the long-term mobility of an EU Blue Card holder, the decision to revoke a temporary residence permit for the purpose of performing work in a highly qualified profession, in the cases referred to in Article 133(1)(1), 3 and 4 of the Act on Foreigners, shall be issued no earlier than after obtaining information from that Member State on the issue or refusal to issue to the foreigner a residence permit referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card', issued on account of the long-term mobility of the EU Blue Card holder.

During the above periods, the time limits specified in Article 35 § 3 of the Code of Administrative Proceedings for voivodes to deal with cases concerning the withdrawal of a temporary residence permit for the purpose of performing work in a highly qualified profession shall not run.

4.6.2A. STAY OF FOREIGNERS IN THE TERRITORY OF THE REPUBLIC OF POLAND FOR THE PURPOSE OF SHORT-TERM MOBILITY OR LONG-TERM MOBILITY OF THE HOLDER OF AN EU BLUE CARD

The mobility of an EU Blue Card holder is the right of a foreigner to enter and reside in the territory of the Member States of the European Union for the purpose of professional activity - in the case of short-term mobility and for the purpose of employment in a highly qualified profession in the case of long-term mobility, resulting from the possession of a valid residence permit referred to in Article 1(2)(a) of Council Regulation (EC) No 1030/2002 (equivalent to a Polish residence card) with the annotation 'EU Blue Card' (or, in the case of short-term mobility, also with the annotation 'Former EU Blue Card holder'), issued by a Member State of the European Union other than the one in which the foreigner exercises this right. **This does not apply to Ireland and Denmark.** Mobility may be short-term or long-term.

Short-term mobility of an EU Blue Card holder - mobility of a holder of a residence permit referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card' or with the annotation 'Former EU Blue Card holder' (if a long-term EU residence permit has been obtained), for a period not exceeding 90 days in any 180-day period in each Member State of the European Union **for the purpose of pursuing professional activities (see definition below)**. The other EU Member State does not require any other permits to pursue such professional activities. If this document has been issued by an EU Member State that does not yet fully apply the Schengen acquis (Cyprus), the second Member State may require the holder of the document to provide evidence that the purpose of the stay is to pursue professional activities.

A foreigner entering the territory of the Republic of Poland for the purpose of short-term mobility as an EU Blue Card holder who holds a residence permit referred to in Article 1(2)(a) of Regulation No

1030/2002, with the annotation 'EU Blue Card' or with the annotation 'Former EU Blue Card holder', issued by another Member State of the European Union that is not a Schengen country, shall additionally present proof that the purpose of their entry and stay in the territory of the Republic of Poland is to pursue professional activities.

Professional activity – a **short-term** activity of a foreigner **directly related to the economic interests of the entity entrusting him/her with work in a profession requiring high qualifications** and the professional duties of that foreigner, who is the holder of a valid residence document referred to in Article 1(2)(a) of Council Regulation (EC) No 1030/2002, with the annotation 'EU Blue Card' or with the annotation 'Former holder of an EU Blue Card', issued by another Member State of the European Union, performed on the basis of a contract concluded with that entity in another Member State of the European Union, **including participation in internal or external business meetings, participation in conferences or seminars, negotiation of commercial contracts, undertaking sales or marketing activities, exploring business opportunities or participating in and benefiting from training.**

Long-term mobility of an EU Blue Card holder - mobility of a holder of a residence permit referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card', for a period exceeding 90 days in a given Member State of the European Union.

In order for a foreigner to benefit from the **long-term mobility of an EU Blue Card holder** in Poland, it is necessary to apply for a **temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder.**

TEMPORARY RESIDENCE PERMIT FOR LONG-TERM MOBILITY OF EU BLUE CARD HOLDERS:

A temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder is granted when the purpose of the foreigner's stay in the territory of the Republic of Poland is to perform work in a profession requiring high qualifications and the following conditions are met cumulatively:

1) the foreigner:

a) has concluded an employment contract, a contract for specific work or a civil law contract for a period of at least 6 months, on the basis of which he or she performs work, provides services or remains in an employment relationship,

b) has formal qualifications and meets other conditions required in the case of intending to perform work in a regulated profession within the meaning of Article 5(4) of the Act of 22 December 2015 on the principles of recognition of professional qualifications acquired in European Union Member States,

c) **holds a residence permit** referred to in Article 1(2)(a) of Regulation No 1030/2002, bearing the annotation '**EU Blue Card**', **issued by another Member State of the European Union, and immediately prior to entering** the territory of the Republic of Poland **resided in that Member State of the European Union on the basis of that document for a period of at least 12 months** or, in the case of long-term mobility of an EU Blue Card holder in that country, for a period of at least 6 months,

d) has health insurance within the meaning of the Act of 27 August 2004 on healthcare services financed from public funds or confirmation of coverage by an insurer of the costs of medical treatment in the territory of the Republic of Poland;

2) the annual gross remuneration resulting from the monthly or annual remuneration specified in the contract is not lower than the equivalent of 150% the average remuneration in the national economy in the year preceding the submission of the application for a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder, as announced by the President of the Central Statistical Office pursuant to Article 20(1)(a) of the Act of 17 December 1998 on pensions from the Social Insurance Fund.

Obtaining a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder **does not exempt from the requirements specified in separate regulations concerning the pursuit of regulated professions or activities.**

A temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder **shall be refused** in the cases referred to in points 4.10(1)-(5) and (8)-(9).

NOTE:

The **provisions on refusal to initiate proceedings** for the granting of a temporary residence permit for the purpose of performing work in a highly qualified profession, **the provisions on the revocation of such a permit** and the provisions on the **information obligations** of holders of such a permit shall apply accordingly to a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder.

The decision to grant a foreigner a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder shall specify the period of validity of that permit and indicate that the foreigner may perform work in a highly qualified profession for remuneration not lower than the remuneration determined on the basis of Article 127(3) of the Act on Foreigners, specifying the remuneration required for the granting of this permit.

The Head of the Office for Foreigners shall immediately forward information on the granting or refusal of a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder to the authorities of the European Union Member State which issued the foreigner with the residence document referred to in Article 1(2)(a) 2(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card'.

4.6.3. PERMIT FOR A TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK UNDER THE INTRA-CORPORATE TRANSFER

A temporary residence permit for the purpose of performing work within the framework of an intra-corporate transfer is granted when the purpose of the foreigner's stay in the territory of the Republic of Poland is to perform work in the host entity, having its registered office in the territory of the Republic of Poland, as a manager, specialist or intern, and the required conditions are met.

Intra-corporate transfer – means the temporary secondment of a foreigner whose place of residence at the time of submitting an application for a temporary residence permit for the purpose of performing work within the framework of an intra-corporate transfer is outside the territory of the Member States of the European Union, by the parent employer to the host entity and the use of mobility;

Host entity – means a legal person or an organisational unit without legal personality, to which the Act grants legal capacity, to which the employee is transferred within the company, and which:

a) is, in particular, a **branch or representative office** of the parent employer who is a foreign entrepreneur, or

b) belongs **to the same group of companies** as the parent employer;

Group of companies – at least two legal persons or organisational units that are not legal persons, to which the Act grants legal capacity, conducting business activity, which:

a) are related to each other in a manner corresponding to the relationship between a parent company and a subsidiary within the meaning of Article 4 § 1(4) of the Act of 15 September 2000 - Commercial Companies Code (Journal of Laws of 2024, items 18 and 96) or

b) are in such a legal relationship with another legal person or organisational unit that is not a legal person, to which the Act grants legal capacity, that it gives rise to a basis for that legal person or organisational unit to exercise a decisive influence on their activities, using identical management models and rules;

Parent employer – means a legal person or an organisational unit that is not a legal person, which is granted legal capacity by the Act, having its registered office outside the territory of the Member States of the European Union, the Member States of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area or the Swiss Confederation, which employs an employee transferred to the host entity prior to his or her intra-corporate transfer and during that transfer;

Specialist – means a foreigner working within a group of companies, possessing key and specific knowledge for the areas of activity of the host entity, its techniques or management, based on high qualifications, including relevant professional experience;

Intern – means a foreigner with a higher education diploma who is transferred to a host entity for professional development, including preparation for a future position with their parent employer or within a group of companies, or to undergo training in techniques or methods of conducting business activities, and who receives remuneration during the period of the transfer;

The foreigner should meet the conditions concerning **health insurance** and **place of residence provided on the territory of the Republic of Poland** (see section 4.5).

Additionally, **the foreigner should:**

1) Have **professional qualifications and experience** adequate to the object of activities of the host entity, necessary in the entity to which he/she is supposed to be transferred by the main employer – in the case of performing managerial services or specialists or a diploma of graduation from studies – in the case of work as employee on internship;

2) Have **formal qualifications** and meet other conditions which are required, in the case of the intention to perform work in profession regulated as defined by Article 5 (4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States;

3) Directly prior to the transfer within the enterprise, **be employed under the same enterprise or group of enterprises** continuously for the period amounting to at least:

- 12 months – in the case of work as management employee or specialist,

- 6 months – in the case of work as employee on internships,

4) Following the end of the period of transfer within the enterprise, the entrepreneur will be able to **transfer back to the mother employer or other enterprise** belonging to the same group of enterprises, having their registered office outside the territory of the European Union.

The condition for granting the permit is the presentation of concluded, written **contract** under which the foreigner has to perform work or the **document** issued by the mother employer, being the basis for transfer within the enterprise, determining:

- the period of transfer of the foreigner within the enterprise;

- registered office of the host unit;

- remuneration and other working conditions of the foreigner in the host unit.

The above mentioned **remuneration** should be:

1) Higher than the income authorizing to social benefits from social security, mentioned in the Act of 12 March 2004 on social assistance with regard to the foreigner and each family member remaining subsisted by them (the amount should exceed PLN 823 for people in the family or PLN 1010 for lonely managing people);

2) Not lower than the remuneration of employees performing work comparable in type or on comparable position on the territory of the Republic of Poland in comparable working time;

3) Not lower than 70% of the average gross monthly remuneration in the national economy in the voivodship in which the receiving unit has the registered office, in the year preceding submission of the application for granting the permission, announced by the President of the Central Statistical Office on the basis of Article 30 (2) of the Act of 26 October 1995 on social forms of housing development (uniform text, Journal of Laws of 2025, item 1273 as amended).

The foreigner staying on the territory of the Republic of Poland in order to perform work as **the employee on internships** beyond the completion of the above mentioned conditions, should have the contract concerning internships in the host unit determining:

1) Internships program;

2) Duration of the internships;

3) Conditions of supervision over the foreigner during his/her internships.

In the proceedings for granting the concerned permit to the foreigner, the host unit should **immediately notify in writing** any change in the circumstances having effect on the granting conditions of this permission to the voivode.

Initiation of the proceedings on granting the permit to the foreigner is refused, if:

1) **The first or the longest stay of the foreigner** on the territory of the European Union under transfer within the enterprise should take place on the territory of **other Member State of the European Union** or

2) **The foreigner**, on the day of submitting the application for this permit:

a) Applies for temporary residence permit in order to **study** or has such permission, or

b) Applies for temporary residence permit in order to conduct **scientific research** or has such permission, or

c) He/she is seeking or has a temporary residence permit to enjoy long-term mobility of the scientist, or

d) Is the employee of the enterprise having its registered office in other Member State of the European Union and is temporarily delegated by employer to **provide services on the territory of the Republic of Poland** or

d) Conducts **business activities** or

e) is employed by **the temporary employment agency** or other enterprise involved in **lease of employees** to work under supervision and management of other enterprise or is transferred within the enterprise with participation of the entity conducting business activities with regard to providing employment services or

f) **stays on the territory of the Republic of Poland**, unless he/she applies for another permit in order to perform work under the transfer within the enterprise and directly prior to submission of the application for granting the permit stayed on the territory of the Republic of Poland on the basis of this permit or

g) stays on the territory of **other Member State of the European Union**.

In the proceedings for granting temporary residence permit in order to perform work under the transfer within the enterprise, the host unit must immediately notify in writing any change in the circumstances having effect on the granting conditions of this permit to the voivode.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), **granting temporary residence permit** in order to perform work under the transfer within the enterprise **is refused**, if:

1) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise, or

2) Entry of a foreigner into the territory of the Republic of Poland or his stay in that territory may pose a threat to public health, or

3) In the procedure for granting this permit the person submitting the application on behalf of and for the benefit of the receiving unit:

a) Submitted an application containing false personal data or false information or has attached documents containing such data or information, or

b) Testified untruthfully or concealed the truth or forged or modified a document for use as authentic or used as authentic, or

4) The entity being the mother employer or host unit:

a) is legally managed or controlled by the natural person:

- has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or

- has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) failed to meet the obligation to pay social security premiums or

c) is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority or

d) does not conduct any business activities or is under bankruptcy.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **another** temporary residence permit in order to perform work under the transfer within the enterprise **is refused**, if:

1) Circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than this in which it was granted or

2) The period of transfer within the enterprise on the territory of the European Union has elapsed, which is:

a) 3 years – in the case of work as employee in management staff or specialist or

b) 1 year – in the case of work as employee on internships or

3) The application for granting this permission was submitted during illegal residence of the foreigner, for whom it is to be granted, on the territory of the Republic of Poland.

Obtaining temporary residence permit in order to perform work under the transfer within the enterprise **does not exempt from the fulfilment of requirements relating to the performance of regulated professions or activities, specified in different provisions**

Following the permit given for temporary residence in order to perform work under the transfer within the enterprise, **the host unit is under the obligation to notify in writing** within 15 days, any change in the circumstances having effect on the conditions of granted permit to **the voivode who granted this permit**. If the above mentioned permit is granted by the Head of the Office for Foreigners in the second instance, the above mentioned notice is directed to the voivode who ruled in the first instance.

Apart from cases, mentioned in section 4.11 **temporary residence permit** in order to perform work under the transfer within the enterprise **is withdrawn** from the foreigner, if:

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted or
- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or
- 4) Subject to the obligation of treatment on the basis of Article 40(1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment or
- 5) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise or
- 6) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:
 - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or
 - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or
- 7) The entity being the mother employer or host unit:
 - a) Is legally managed or controlled by the natural person:
 - has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or
 - has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or
 - convicted for the offence, mentioned in Article 218–221 of the Penal Code or
 - b) failed to meet the obligation to pay social security premiums or
 - c) is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or
 - d) does not conduct any business activities or is under bankruptcy.

4.6.4. STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO ENJOY SHORT-TERM AND LONG-TERM MOBILITY UNDER THE INTRA-CORPORATE TRANSFER

Mobility under the intra-corporate transfer is the right of the foreigner to enter and stay on the territory of Member States of the European Union in order to perform work in the host unit, having the registered office in the given Member State of the European Union as the employee in management staff, specialist or employee on internships, under transfer within the enterprise resulting from having valid residence document, mentioned in Article 1(2) (a) of the Council Regulation (EC) no. 1030/2002 (equivalent of the Polish residence card) with "ICT" annotation, issued by other Member State of the European Union than this in which the foreigner executes this right. **This does not apply to Ireland and Denmark.** Mobility may be of short-term and long-term nature.

Short-term mobility under the intra-corporate transfer means the use of mobility for a period of up to 90 days at any period covering 180 days in each Member State of the European Union. On the other hand, **long-term mobility** under the intra-corporate transfer means the use of mobility for the period exceeding 90 days in the given Member State of the European Union.

In order for the foreigner to enjoy **short term mobility** of a managerial staff member, specialist or trainee employee, as part of an intra-corporate transfer on the territory of the Republic of Poland it is necessary for the Head of the Office for Foreigners to:

- Receive the **notice on the intention to use this mobility** by a foreigner from this host unit having the registered office in other Member State of the European Union which issued residential document for this foreigner, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation.
- The Head of the Office for Foreigners has not issued on objection within 20 days.

The notification should be made **in Polish language**, submitted in writing, in paper or electronic form to the electronic delivery box of the Head of the Office for Foreigners and contain **data and information on the foreigner** intending to enjoy short-term mobility:

- 1) Name (names) and surname;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) Position on which the foreigner will perform the work;
- 6) Planned period or periods of performing the work on the territory of the Republic of Poland;
- 7) name of the Member State of the European Union which issued residential document for this foreigner, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation;
- 8) The period of validity of the residence permit referred to in Article 1, point (a) and Regulation No. 1030/2002 with "ICT" annotation;
- 9) Name and address of the host unit having the registered office on the territory of the Republic of Poland and the mother employer of the foreigner;
- 9) Name, surname, official position and signature of the person or persons authorized to represent the receiving unit having its registered office in the territory of the Republic of Poland;

10) the forename, surname, position and signature of the person or persons authorised to represent the host entity established in another Member State of the European Union which issued to the foreigner the residence permit referred to in Article 1(2)(a) of Regulation (EC) No 1030/2002 with the indication "ICT".

In addition the notice should be accompanied by **the following documents**:

1) Evidence that the host entity based in the territory of the Republic of Poland is a legal person or an organizational unit that is not a legal person with legal capacity granted by the law to which the employee is transferred within the enterprise, and which:

- a) Is in particular a branch or representation of the parent employer being a foreign entrepreneur, or
- b) Belongs to the same group of enterprises as the parent employer;

2) Evidence that the foreigner has formal qualifications and meet other conditions which are required in the case of the intention to delegate work performance in regulated profession;

3) The contract under which the foreigner is to perform work concluded in writing or a document issued by the parent employer which is the basis for the transfer within the company;

4) A copy of a valid travel document of a foreigner.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners issues a **decision on objection** in the event that:

1) The receiving unit having its registered office in the territory of the Republic of Poland does not meet the conditions referred to in art. 3 point 5 (b), or

2) The foreigner does not have formal qualifications or does not meet other conditions that are required in the case of intention to work in a regulated profession, or

3) The remuneration specified in the contract under which the foreigner is to perform work or in the document issued by the parent employer constituting the basis for the transfer within the enterprise is lower than the remuneration of employees performing comparable work in the territory of the Republic of Poland and in a comparable position, or

4) Validity period of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 issued by another Member State of the European Union containing the "ICT" annotation, does not cover the period of planned short-term mobility of the managerial, specialist or trainee employee as part of an intra-corporate transfer, or

5) It is justified by the defence or security reasons of the state or the protection of public safety and order, or

6) The notification contains false personal data or false information or attached documents containing such data or information or has been forged or altered, or

7) The foreigner's data is entered into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable, or

8) The foreigner's data can be found in the Schengen Information System for the purposes of refusing entry and stay.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners addresses the Chief Commander of the Border Guard, the Chief Commander of the Police, the Head of the Internal Security Agency and, if necessary, also to other bodies to provide information on whether there are circumstances to issue a

decision on the objection referred to in point 5. The above-mentioned authorities provide information within 15 days from the date of receipt of the application.

A TEMPORARY RESIDENCE PERMIT FOR THE PURPOSE OF LONG-TERM MOBILITY OF A MANAGERIAL EMPLOYEE, SPECIALIST OR TRAINEE EMPLOYEE, AS PART OF AN INTRA-CORPORATE TRANSFER:

In order for the foreigner to take advantage of **long-term mobility** on the territory of Poland it is necessary to apply for a temporary residence **permit for the purpose of long-term mobility of a managerial staff, specialist or trainee employee, as part of intra-corporate transfer.**

To obtain the aforementioned permit the foreigner should meet the conditions regarding the possession of **health insurance** and possession of the **place of residence provided on the territory of the Republic of Poland** (see point 4.5).

Additionally, **the foreigner should:**

- 1) Have formal qualifications and meet other conditions which are required in the case of the intention to delegate work performance in regulated profession as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States.
- 2) Has a residence permit referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 with "ICT" annotation issued by another Member State of the European Union.
- 3) Following the end of the period of transfer within the enterprise, the entrepreneur will be able to transfer back to the mother employer or other enterprise belonging to the same group of enterprises, having its registered office outside the territory of the European Union.

The condition for granting the permit is the presentation of concluded, written contract under which the foreigner has to perform work or the **document** issued by the mother employer, being the basis for transfer within the enterprise, determining:

- the period of transfer of the foreigner within the enterprise,
- registered office of the host unit,
- position of the foreigner in the host unit,
- remuneration and other working conditions of the foreigner in the host unit.

The above mentioned **remuneration** should be:

- 1) higher than the income authorizing to cash benefits from social security, mentioned in the Act of 12 March 2004 on social assistance with regard to the foreigner and each family member being subsisted by them (should exceed PLN 823 for people in the family or PLN 1010 for lonely managing people);
- 2) Not lower than the remuneration of employees performing work comparable in type or on comparable position on the territory of the Republic of Poland in comparable working time;
- 3) Not lower than 70% of the average gross monthly remuneration in the national economy in the voivodship, in which host unit has the registered office, in the year preceding submission of the application for the permission, announced by the President of the Central Statistical Office on the basis of Article 30 (2) of the Act of 26 October 1995 on social forms of housing development .

Initiating of the proceedings on granting the temporary residence permit for the purpose of long-term mobility of a managerial staff, specialist or trainee employee, as part of intra-corporate transfer to the foreigner **is refused**, if the foreigner, on the day of submitting the application for the permit:

- 1) Applies for temporary residence permit in order to **study** or has such permission, or

- 2) Applies for temporary residence permit in order to conduct scientific research or has such permission, or
- 3) Applies for temporary residence permit for the **long-term mobility of the scientist**, or
- 4) Is the employee of the enterprise having its registered office in other Member State of the European Union and is temporarily **delegated by the employer to provide services** on the territory of the Republic of Poland or
- 5) Conducts **business activities** or
- 6) is employed by **temporary employment agency** or other **enterprise involved in lease of employees** to work under supervision and management of other enterprise or is transferred within the enterprise with participation of entities conducting business activities in the field of provision of services of employment agencies.

The **initiation of proceedings** to grant a foreigner a temporary residence permit for the purpose of long-term mobility of a managerial employee, specialist or trainee within the framework of an intra-corporate transfer **shall also be refused** if the application for granting this permit **was submitted on the date of receipt by the Head of the Office of a notification** on the foreigner's **intention to benefit from short-term mobility** of a managerial employee, specialist or trainee within the framework of an intra-corporate transfer in the territory of the Republic of Poland **or within 14 days from that date**.

In the proceeding on granting the permit to the foreigner the host entity should **notify the voivode in writing immediately** of any change in circumstances affecting the conditions of granting this permit.

In addition to the general conditions applying to this permit refusals to grant a temporary residence permit (see paragraph 4.10), the granting of a temporary residence permit for the purpose of long-term mobility of a managerial staff member, specialist or trainee employee, under intra-corporate transfer **is refused** when:

- 1) The validity period of the foreigner's residence document has elapsed, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002 (equivalent to the Polish residence card), with "ICT" annotation, issued by other Member State of the European Union or
- 2) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:
 - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or
 - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or
- 3) The entity being the mother employer or host unit:
 - a) Is legally managed or controlled by the natural person:
 - has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or
 - has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or
 - Convicted by the court for the offence, mentioned in Article 218–221 of the Penal Code, or
 - b) Failed to meet the obligation to pay social security premiums, or

c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of a competent authority or

d) Does not conduct any business activities or announced bankruptcy, or

4) The period of transfer within the enterprise on the territory of the European Union has elapsed, which is:

a) 3 years – in the case of work as employee in management staff or specialist, or

b) 1 year – in the case of work as employee on internships, or

5) Application for granting temporary residence permit was submitted during illegal stay of the foreigner to whom is to be granted, on the territory of the Republic of Poland.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **another temporary residence permit** in order to use long-term mobility of a managerial staff member, specialist or trainee employee, under intra-corporate transfer **is refused** when:

1) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise, or

2) Circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than this in which it was granted.

Obtaining temporary residence permit in order to use long-term mobility of managerial staff member, specialist or trainee employee, under intra-corporate transfer **does not exempt from the fulfilment of requirements relating to the performance of regulated professions or activities, specified in different provisions**

Following the permit given for temporary residence in order to use long-term mobility of managerial staff member, specialist or internship employee trainee employee, under intra-corporate transfer, **the host unit is under the obligation to notify in writing** within 15 days, any change in the circumstances having the effect on the conditions of granted permission to the voivode who granted this permit. If the above mentioned permit is granted by the Head of the Office for Foreigners in the second instance, the above notice is directed to the voivode who ruled in the first instance.

Apart from cases, mentioned in section 4.11 **temporary residence permit** for managerial staff member, specialist or trainee employee, under intra-corporate transfer in order to enjoy long-term mobility is withdrawn, if:

1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or

2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or

3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or

4) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment, or

5) The host unit was established mostly in order to facilitate the entry on the territory of the Republic of Poland for the employees transferred within the enterprise or

6) In the proceedings for granting this permit, the applicant submits on behalf of and for the host unit:

a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or

b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or

7) The entity being the mother employer or host unit:

a) Is legally managed or controlled by the natural person:

- has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or

- has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code, or

b) Failed to meet the obligation to pay social security premiums, or

c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or

d) Does not conduct any business activities or is under bankruptcy.

In the event that a foreigner **holding a Polish temporary residence permit for the purpose of working under intra-corporate transfer** would like to **enjoy short-term or long-term mobility** of a managerial specialist or trainee employee under intra-corporate transfer in **another EU Member State the host entity** having its registered office in the territory of the Republic of Poland notifies the **competent authority of another European Union Member State** in which the foreigner intends to use this mobility, and the **Head of the Office for Foreigners** if the regulations in force in that Member State provide for such notification.

4.6.5. PERMIT FOR A TEMPORARY RESIDENCE IN ORDER TO PERFORM WORK OF A FOREIGNER DELEGED BY A FOREIGN EMPLOYER ON THE TERRITORY OF THE REPUBLIC OF POLAND

A temporary residence permit for the purpose of performing work by a foreigner posted by a foreign employer to the territory of the Republic of Poland shall be granted to a foreigner if the required conditions are met.

A foreigner should meet the conditions concerning having **health insurance, a stable and regular source of income** sufficient to cover the costs of living for oneself and for family members dependent on him/her and **a place of residence on the territory of the Republic of Poland** (see point 4.5)

The condition for granting the permit is to hold the **work permit**, as defined by the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland or a written statement of the employer of the intention to employ the foreigner, if work permit is not required.

The requirement of having legal residence shall not apply to the foreigner who is temporarily delegated to provide services on the territory of the Republic of Poland by the employer having its registered office on the territory of a Member State of the European Union, Switzerland, Norway, Iceland or Liechtenstein, authorized to stay and work on the territory of this country.

4.6.6. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO CONDUCT BUSINESS ACTIVITY

A temporary residence permit for the purpose of conducting business activity shall be granted to a foreigner if the purpose of their stay in the territory of the Republic of Poland is to conduct business activity on the basis of the provisions in force in this respect in that territory and the following conditions are met.

A foreigner should meet the conditions concerning having **health insurance, a stable and regular source of income** sufficient to cover the costs of living for oneself and for family members dependent on him/her and **a place of residence on the territory of the Republic of Poland** (see point 4.5)

Additional conditions for granting the permit:

- Holding the consent of a competent authority on holding specified positions or performing professions, if the obligation results from the separate provisions;

- The entity which conducts business activities should:

a) in the fiscal year preceding submission of the application for granting temporary residence permit to conduct business operations by the foreigner , **achieve income which is not lower than 12 times average gross monthly remuneration in the national economy in the voivodship**, where this entity has the 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 Article 30 (2) of the Act of 26 October 1995 on social forms of housing development , **or employ for indefinite or full time for the period of at least 1 year preceding the submission of the application, at least 2 employees being Polish citizens or foreigners, mentioned in the Article 1 sec. 4 point 6 and Art. 3 sec. 1 points 1-12 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland (e.g. refugees or foreigners who have permanent residence permit or long-term resident's EU residence permit) or**

b) demonstrate that has funds allowing fulfilment of future conditions specified in (a) or conducts actions enabling to fulfil these conditions in the future, in particular contributing to the growth of the investment, transfer of technology, introducing favourable innovation or creating work places.

The above mentioned conditions in (a) or (b) shall also apply to the limited partnership, limited-joint stock company or a limited liability company, a joint stock company established by the foreigner or to the company to which the foreigner acceded or which shares or stock were taken or purchased.

Temporary residence permit in order to conduct business activities is also granted to the foreigner whose purpose of residence is **to perform work by performing the functions in management of a limited liability company, a joint stock company established by the foreigner or which shares or stock were taken or purchased or conduct the enterprise's matters or limited-joint stock company by general partner, or work as a proxy**, provided that the enterprise meets the terms mentioned above in (a) or (b). To grant this permit **it is not required to have work permit, it is also not required to attach information of the district voivode on the lack of possibility to satisfy the employer's staff needs on the local labour market and condition of remuneration comparability.**

Except general cases of refusal to grant temporary residence permit (see section 4.10), granting temporary residence permit in order to conduct business activities, **when the goal of residence is to**

perform work by performing the function in the company's board of directors which was established or which shares or stock were taken or purchased or conduct the enterprise's matters or limited-joint stock company by general partner or work as a proxy, is refused, if:

1) The entity entrusting work or the entity managing or controlling thereof:

a) has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or

b) has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or

c) is a natural person convicted by a final judgement for an offence referred to in Articles 218-221, Article 270, Article 271, Article 272, Article 273 or Article 275 of the Criminal Code, or

d) is a natural person convicted by a final judgement for an offence referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland in violation of the regulations, or

e) has been convicted of an offence referred to in Article 11 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying illegally in the territory of the Republic of Poland, or

f) is a natural person who has been convicted of an offence referred to in Article 189a of the Criminal Code, or has been convicted in another country of an offence referred to in the Report to Prevent, Suppress and Punish Trafficking in Persons, in particular women and children, supplementing the United Nations Convention against Transnational Organised Crime, adopted by the United Nations General Assembly on 15 November 2000 (Journal of Laws of 2005, item 160), or

g) fails to fulfil the obligation to pay social security contributions, health insurance, the Labour Fund, the Guaranteed Employee Benefits Fund, the Bridge Pension Fund and the Solidarity Fund, or fails to fulfil the obligation to pay contributions for social insurance for farmers, except in cases where he has obtained a legally prescribed deferral of payment or instalment plan for overdue payments, or where the amount of the unpaid contribution does not exceed the amount of the costs of a reminder in enforcement proceedings, or

h) fails to comply with the obligation to register employees or other persons covered by compulsory social insurance for social insurance, or

i) is in arrears with the payment of the income tax on natural persons or corporate income tax, except in cases where they have obtained a statutory exemption, deferral, an instalment plan for overdue payments, or a suspension of the entire enforcement of the decision of the competent authority;

2) The foreigner

a) **does not have formal qualifications or fails to meet other conditions**, which are required, in the case of the intention to delegate work performance in regulated profession as defined by Article 5(4) of the Act of 22 December 2015 on the rules governing recognition of professional qualifications acquired in EU Member States or

b) is convicted by final judgment for **offences**, mentioned in Article 270–275 of the Penal Code, committed in connection with the proceedings on issuing work permit or granting temporary residence permit and work permit.

4.6.7. PERMIT FOR TEMPORARY RESIDENCE FOR EDUCATION PURPOSES AT A UNIVERSITY. STUDENT MOBILITY.

Temporary residence permits for the purpose of studying at a higher education institution is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to **take up or continue studies (i.e. full-time studies: first-cycle studies, second-cycle studies or uniform master's studies, or education at a doctoral school) at the unit conducting the study approved by the minister responsible for internal affairs** unless this unit is not subject to the approval requirement or at the unit conducting the study not subject to the obligation of approval in respect of which a decision on banning the admission of foreigners has not been issued, and when the following conditions are jointly met:

1) The foreigner submits:

a) **Certificate of the unit conducting this studies** on enrolment to the studies or continuation of the studies, the template of which determines the executive regulation to the Act on foreigners;

b) **proof of payment of the fee for the semester or year of study**, if performs or continues paid studies;

The foreigner should also meet **conditions concerning health insurance and sufficient financial measures** to cover the maintenance costs and travel back to the state of origin or place of residence, transit costs to the third state which issued the permission for entry (see section 4.5).

The condition for granting the permit is also **sufficient financial measures to cover the costs of studies**.

A list of educational institutions approved for the purpose of admitting foreigners to commence or continue their studies, as well as information on institutions not subject to approval for this purpose, can be found [here](#). Public academic institutions, among others, are not subject to approval for this purpose.

A temporary residence permit for the purpose of studying is also granted to a foreigner who intends to take a **preparatory course for undertaking studies** and meets the conditions for granting a temporary residence permit for the purpose of studying, if they are citizens of a country specified in the regulations issued on the basis of Article 144(18) of the Act on Foreigners. Currently, this applies to citizens of the Republic of Belarus.

Temporary residence permits for the purposes of studying are also granted to a foreigner when **studies that are continuation or supplementing studies undertaken in the territory of another European Union Member State are not covered by an EU program or a multilateral program covering mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility**, and the foreigner meets the abovementioned conditions for granting a temporary residence permit.

Apart from general, applicable cases of refusal to grant temporary residence permit (see section 4.10) the foreigner **is refused to grant this permit**, if:

1) Has temporary residence permit to undertake or continue studies or vocational training, mentioned in Article 186(1)(3) (b), being long-term resident of the EU from other Member State of the EU, or

2) Applying for a temporary residence permit in order to perform work at a position requiring high qualifications or holds such permit.

In addition to the general cases of refusal of temporary residence permit that apply to this permit (see paragraph 4.10) **the foreigner is refused this permit** when:

1) The unit conducting the studies **operates mainly to facilitate students or PhD students illegally entry or stay** on the territory of the Republic of Poland **in particular, offers and provides educational services related exclusively to the education of foreigners at university** or

2) There are reasonable **doubts as to the credibility of the foreigner's declarations regarding the purpose of his/her stay** on the territory of the Republic of Poland due to evidence available to the authority or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for the permit to study** at university a permit is refused when the circumstances of the case indicate that the preceding temporary residence permit was used for a purpose other than the purpose for which it was granted.

In addition a foreigner **may be refused a further permit in order to study at a higher education institution when a foreigner has been deleted from the list of students or doctoral students.**

The procedure for granting a foreigner a temporary residence permit for the purpose of studying is conducted taking into account the date of commencement of studies provided for in the study programme.

The voivode informs the rector of the university or the head of another unit conducting the studies indicated by the foreigner in the application for permission, on the fact of granting the permit to the student to study at the institution.

The rector of the university or the head of a different unit conducting this studies immediately notifies in writing on the fact of deleting the foreigner from the list of students or doctoral students, as well as on failed year of study in the specified time to the voivode who granted the permit on order to study.

In addition to the general conditions applying to this permit the **withdrawal** of a temporary residence permit (see paragraph 4.11):

1) The circumstances of the case indicate that it is used for a purpose other than the purpose for which it was granted, or

2) Valid entry of foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or

3) 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

4) In the proceedings for granting him/her a temporary residence permit:

a) He/she has submitted an application containing false personal data or false information or has attached documents containing such data or information, or

b) He/she testified untruthfully or concealed the truth or forged or reworked the document for use as authentic or used as authentic, or

5) Subject to the treatment obligation pursuant to art. 40, para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans he/she does not consent to this treatment, or

6) The unit conducting the studies operates primarily to facilitate students or PhD students illegal entry or stay on the territory of the Republic of Poland in particular, offers and provides educational services related exclusively to the education of foreigners at university.

In addition a foreigner **may be refused a further permit in order to study at a higher education institution when a foreigner has been deleted from the list of students or doctoral students.**

Student mobility is the right of a foreign student who is a student or doctoral student to enter and stay on the territory of the European Union Member States in order to continue or complete studies

undertaken in the territory of another European Union Member State resulting from the possession of a valid residence permit referred to in art. 1, point 2 (a) Council Regulation (EC) No. 1030/2002 (the equivalent of a Polish residence card) or a long-term visa with the annotation "student" issued by another Member State of the European Union than the one in which the foreigner uses this right. **This does not apply to Ireland and Denmark.** Student mobility covers a period not exceeding **360 days in each Member State.**

The foreigner who is a student or a PhD student may enjoy **student mobility** if the following conditions are met jointly:

- 1) The purpose of his/her stay on the territory of Poland is **continuation or supplementation of studies** undertaken in the territory of another European Union Member State;
- 2) The foreigner is covered by an **EU program** or a **multilateral program** covering mobility measures or an **agreement between at least two higher education institutions** providing for **intra-EU mobility**;
- 3) A **residence permit** held by a foreigner referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or a **long-term visa** issued by another Member State of the European Union includes the annotation "student"
- 4) The duration of stay in Poland does not exceed **360 days.**

A condition for a foreigner to enjoy **student mobility** on the territory of Poland is that the Head of the Office for Foreigners:

- Received **notification of the intention** of the foreigner **to use this mobility** from the unit conducting the studies having its seat in Poland approved by the minister competent for internal affairs unless this unit is not subject to the approval or from the unit conducting the studies which is not subject to approval obligation in relation to which a decision on prohibiting the admission of foreigners was not issued
- Did not issue a decision on objection within 30 days.

NOTE: A foreigner entering the territory of the Republic of Poland for the purpose of student mobility who holds a residence permit or a long-term visa with the annotation 'student' issued by another Member State of the European Union **that is not a Schengen country shall additionally submit a copy of the notification sent** regarding the foreigner's intention to take advantage of this mobility.

The **notification** should be drawn up **in Polish language**. It shall be submitted in writing in paper form or in electronic form to the address for electronic delivery referred to in Article 2(1) of the Act of 18 November 2020 on electronic delivery (Journal of Laws of 2024, item 1045, as amended). It should contain **data and information concerning the foreigner** intending to take advantage of the student mobility:

- 1) First name (first names) and last name;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) The series, number and expiration date of the travel document held by the foreigner;
- 6) Planned period or periods of continuation or completion of studies;
- 7) The name of the European Union Member State that issued the residence permit referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "student" annotation;
- 8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;

9) The name of an EU program or multilateral program covering mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility;

10) The name and address of the unit conducting the studies with its seat on the territory of a Member State of the European Union referred to in point 7 in which the foreigner was undertaking studies until now;

11) The name and address of the unit conducting the studies with its seat on the territory of the Republic of Poland in which the foreigner intends to continue or supplement the studies undertaken on the territory of another European Union Member State;

12) The name, surname, official position and signature of the person or persons authorized to represent the unit conducting the studies based in the territory of the Republic of Poland.

The notification should **accompanied with the evidence of:**

1) Possession of a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "student";

2) Possession of a health insurance by a foreigner (see point 4.5);

3) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "student" annotation in an appropriate amount (see point 4.5);

4) Payment of fees for a semester or year of studies by a foreigner if the continuation or supplementation of studies undertaken in the territory of another European Union Member State takes place for a fee.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish.**

The head of the Office for Foreigners **issues a decision on objection** in the event that:

1) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "student" does not include the period of planned student mobility, or

2) The foreigner does not have health insurance or

3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the European Union Member State which issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "student" in an appropriate amount, or

4) The foreigner has not paid a tuition fee for a semester or year of studies, if the continuation or supplementation of studies undertaken in the territory of another European Union Member State is subject to payment, or

5) The unit conducting the studies operates mainly to facilitate students or PhD students illegal entry or stay on the territory of the Republic of Poland in particular, offers and provides educational services related exclusively to the education of foreigners at university, or

6) The institution conducting the studies has been put into liquidation or does not actually conduct educational activities justifying the admission of foreigners for the purpose of undertaking or continuing studies, or

7) The notification contains false personal data or false information or attached documents containing such data or information or have been forged or modified, or

8) Entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is valid, or

9) Data on the foreigner are in the Schengen Information System for the purposes of refusing entry and stay, or

10) It is required for reasons of national defence or security or for the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in points 5 or 10. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

If a foreigner holding a **national visa** for first-cycle, second-cycle or uniform MA studies or studying in a doctoral school with the annotation "student" or a **temporary residence permit** for the purpose of studying at university **intends to use student mobility in another EU Member State, a unit conducting studies** in which a foreigner is studying based in Poland or a **unit conducting studies in which a foreigner intends to study** having its registered office in a Member State of the European Union where the foreigner intends to use this mobility or a foreigner intending to use this mobility **shall notify about this intention to the competent authority of that Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification

4.6.8. PERMIT FOR TEMPORARY RESIDENCE IN ORDER TO CONDUCT RESEARCH ACTIVITY

Temporary residence permit in order to conduct scientific research is granted to the foreigner **who is a scientist and has at least professional title corresponding to the Polish Master's degree or equivalent, enabling access at least to postgraduate studies** when the purpose of his/her residence on the territory of the Republic of Poland is to conduct scientific research or development in a scientific unit based in the Republic of Poland approved by the minister competent for internal affairs and the following conditions are met jointly:

1) The foreigner holds **written statement of the scientific unit** which includes its obligation to bear costs of residence of the scientist on the territory of the Republic of Poland as well as costs of preparing decision on obligation of the foreigner to return, covered from the public funds before the end of 6 months from the date of expiration of the contract, if the basis for issuing the decision on the obligation of the foreigner to return, will be his/her illegal residence on the territory of the Republic of Poland;

2) **Enrolment contract for the purpose of implementing research project** concluded with scientific unit seated on the territory of the Republic of Poland as a contract of employment, contract for a specific task, contract of mandate or other civil law contract, specifies the following:

- a) The title or purpose of scientific research or development work or its subject;
- b) Commitment of the scientist to participate in conducting scientific research or development works;
- c) Obligation of the scientific unit to provide the scientist with conditions to fulfil his/her obligation;
- d) Start and end dates or estimated duration of scientific research or development work;
- e) The remuneration of the scientist and other conditions of his work;

f) Information on planned research or development work on the territory of other European Union Member States.

The foreigner should also meet **conditions concerning health insurance and sufficient financial measures** to cover the maintenance costs and travel back to the state of origin or place of residence, transit costs to the third state which issued the permission for entry (see section 4.5).

A list of scientific institutions approved for the purpose of admitting foreigners for the purpose of conducting scientific research or development work can be found [here](#).

The agreement on the admission of a foreigner for the purpose of implementing a research project **expires** if the foreigner is **refused entry** into the territory of the Republic of Poland or to **grant a temporary residence permit**

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit is refused, if the foreigner:

- 1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship;
- 2) Applies for a temporary residence permit in order to work in a position requiring a high qualifications or holds such permit.

In addition to the general cases of refusal of granting temporary residence permit (see paragraph 4.10) the granting of a temporary residence permit for the purpose of scientific research **is refused** when the scientific body operates mainly to facilitate the unlawful entry or stay of scientists on territory of the Republic of Poland.

In addition to the general cases of refusal of granting temporary residence permits (see point 4.10) the granting of **another temporary residence permit** for the purpose of conducting research to a foreigner **is refused** if the circumstances of the case indicate that the temporary residence permit preceding the permit was used for a purpose other than the purpose for which it was granted.

In addition to the general cases of **withdrawal** of a temporary residence permit applicable to this permit (see point 4.11), a temporary residence permit for the purpose of conducting scientific research is withdrawn when:

- 1) The circumstances of the case indicate that it is used for a purpose other than the purpose for which it was granted, or
- 2) Entry of the foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or
- 3) 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
- 5) In proceedings regarding granting him/her a temporary residence permit:
 - a) He/she has submitted an application containing false personal data or false information or has attached documents containing such data or information, or
 - b) He/she testified untruthfully or concealed the truth or forged or reworked the document for use as authentic or used as authentic, or
- 6) Being subject to the treatment obligation pursuant to art. 40 para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans he/she does not consent to this treatment, or

7) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientists on the territory of the Republic of Poland.

4.6.9. THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO USE SHORT-TERM MOBILITY OR LONG-TERM MOBILITY OF THE SCIENTIST.

Mobility of the scientist is the right of a foreigner to enter and stay on the territory of the European Union Member States in order to conduct part of scientific research or development works in a scientific unit based in these countries resulting from having a valid residence permit referred to in art. 1, point 2 (a) of Council Regulation (EC) No. 1030/2002 (the equivalent of a Polish residence card) or a long-term visa with the annotation "scientist" issued by another Member State of the European Union than the one in which the foreigner enjoys this right. **This does not apply to Ireland and Denmark.** Mobility can be short-term or long-term.

Short-term mobility of the scientist means using mobility for up to 180 days in any period of 360 days in each EU Member State. On the other hand **long-term mobility of the scientist** means using mobility for a period exceeding 180 days in a given Member State of the European Union.

A condition for a foreigner using the **short-term scientist mobility** on the territory of the Republic Poland is that the Head of the Office for Foreigners:

- Received a **notice on the intention of a foreigner to enjoy this mobility** from a scientific unit based in the Republic of Poland approved by the minister competent for internal affairs,
- Has not issued a decision on objection within 30 days.

NOTE: A foreigner entering the territory of the Republic of Poland for the purpose of short-term scientist mobility who holds a residence permit or a long-term visa with the annotation 'scientist' issued by another Member State of the European Union that **is not a Schengen country shall additionally submit a copy of the notification sent** regarding the foreigner's intention to take advantage of this mobility.

The **notification** should be drawn up **in Polish language**. It shall be submitted in writing in paper form or in electronic form to the address for electronic delivery referred to in Article 2(1) of the Act of 18 November 2020 on electronic delivery (Journal of Laws of 2024, item 1045, as amended). It should contain **data and information concerning the foreigner** intending to take advantage of the short-term scientist mobility:

- 1) First name (first names) and last name;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) The series, number and expiration date of the travel document held by the foreigner;
- 6) Planned period or periods of scientific research or development work by the scientist on the territory of the Republic of Poland;
- 7) The name of the European Union Member State that issued the residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation";

8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;

9) The name and address of a scientific institution based in the territory of a Member State of the European Union referred to in point 7 in which a foreigner has or has conducted scientific research or development work so far;

10) Name and address of the scientific unit on the territory of the Republic of Poland in which scientific research or development works are to be conducted;

11) Name, surname, official position and signature of a person or persons authorized to represent a scientific unit having its registered office in the territory of the Republic of Poland.

The notification should **accompanied with the following documents**:

1) Possession of a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "scientist";

2) Possession of a health insurance by a foreigner (see point 4.5);

3) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation in an appropriate amount (see point 4.5);

4) An agreement on the admission of a foreigner for the purpose of conducting scientific research or development works under which the foreigner is to conduct a part of scientific research or development works in a scientific unit based in the Republic of Poland concluded with this unit as a contract of employment, contract for a specific task, contract of mandate or other civil law contract and specifying:

a) The title or purpose of scientific research or development work or its subject;

b) Commitment of the scientist to participate in conducting scientific research or development works;

c) Obligation of the scientific unit to provide the researcher with conditions to fulfil his/her obligation;

d) Start and end dates or estimated duration of scientific research or development work;

e) The remuneration of the scientist and other conditions of his work.

Documents prepared in a foreign language shall be attached together with a **certified translation into Polish**.

The head of the Office for Foreigners **issues a decision on objection** in the event that:

1) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation 1030/2002 or a long-term visa issued by another Member State of the European Union containing the annotation "scientist" does not include the period of planned short-term mobility of the scientist, or

2) The foreigner does not have health insurance or

3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the European Union Member State which issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" in an appropriate amount, or

4) The unit conducting the studies operates mainly to facilitate illegal entry or stay on the territory of the Republic of Poland, or

- 6) The notification contains false personal data or false information or attached documents containing such data or information or have been forged or modified, or
- 7) Entry of the foreigner's data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable is valid, or
- 8) Data on the foreigner are in the Schengen Information System for the purposes of refusing entry and stay, or
- 9) It is required for reasons of national defence or security or for the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in points 5 or 10. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

In order for the foreigner to enjoy **long-term mobility of the scientist** on Polish territory it is required to apply for a **temporary residence permit in order to enjoy the long-term mobility of the scientist**.

To obtain the above permit the foreigner should meet the conditions regarding the possession of **health insurance, sufficient financial resources** and possession of the **place of residence provided in Poland** (see point 4.5). In addition, the **foreigner should** have a residence permit referred to in art. 1, point 2 (a) of Regulation No. 1030/2002 or a long-term visa with annotation "scientist" issued by another Member State of the European Union

The condition for granting the permit is also to present **the agreement on the admission of a foreigner in order to conduct scientific research or development works** under which the foreigner is to conduct a part of scientific research or development works in a scientific unit based in the Republic of Poland concluded with this unit in the form of contract of employment, contract for a specific task, contract of mandate or other civil law contract that specifies:

- a) The title or purpose of scientific research or development work or its subject;
- b) Commitment of the scientist to participate in conducting scientific research or development works;
- c) Obligation of the scientific unit to provide the scientist with conditions to fulfil his/her obligation;
- d) Start and end dates or estimated duration of scientific research or development work;
- e) The remuneration of the scientist and other conditions of his work;

Initiating of the proceedings on granting the permit to the foreigner **is refused**, if the foreigner, on the day of submitting the application for the permit:

- 1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an trainee employee or
- 2) Applies for a temporary residence permit in order to perform work requiring high qualifications or holds such permit or
- 3) Application for granting this permit was submitted on the same day or within 14 days from the date of receipt by the Head of the Office for Foreigners of notification on the intention of the short-term mobility of the scientist.

Except general applicable cases of refusal to grant the temporary residence permit (see section 4.10), granting **temporary residence permit** in order to use long-term mobility **is refused**, if:

- 1) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientists on the territory of the Republic of Poland, or
- 2) The period of validity of the residence permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or a long-term visa issued by another Member State of the European Union with the annotation "scientist" or the permissible period of stay indicated in that visa.

Apart from cases, mentioned in section 4.11 **temporary residence permit** to enjoy long-term mobility of the scientist is withdrawn, if:

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or
- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or
- 5) In the proceedings for granting him/her a temporary residence permit, he/she:
 - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or
 - b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic, or
- 6) Subject to the obligation of treatment on the basis of Article 40(1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment or
- 7) The scientific unit operates mainly to facilitate the unlawful entry or stay of the scientist on the territory of the Republic of Poland.

If a foreigner holding a **national visa** in order to perform scientific research or development works or a **temporary residence permit** for the purpose of conducting research **intends to use scientist long-term or short-term mobility in another EU Member State, the scientific unit** in which a foreigner is conducting research or development work having its seat in Poland or **scientific unit in which a foreigner intends to conducts research or development works** having its registered office in a Member State of the European Union where the foreigner intends to use this mobility or a foreigner intending to use this mobility **shall notify about this intention to the competent authority of that Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification.

4.6.10. PERMIT FOR A TEMPORARY RESIDENCE FOR AN INTERN

Temporary residence permit for an intern is granted to a foreigner when the purpose of his/her stay on the territory of the Republic of Poland is to **complete an internship with an internship organizer** approved by the minister competent for internal affairs and the following conditions are met jointly:

- 1) The foreigner submits:
 - a) Submits a document confirming the **completion of higher education within the two years** immediately preceding the submission of the application for a permit or a document confirming that higher education studies outside of the European Union;

b) Holds a **written statement of the internship organizer** in which organiser undertakes to bear the costs related to the issuance and implementation of the decision on the foreigner's obligation to return.

2) **The contract** under which the foreigner will take up the training concluded in writing with the internship organizer determines:

a) Description of the internship program including information on its educational purpose or educational components theoretical and practical training, the position at which the internship will take place, the language in which the internship will take place, the level of language proficiency necessary to complete the internship, the scope and type tasks performed, knowledge, practical skills and work experience to be acquired;

b) Duration of the internship;

c) Conditions for completing and supervising the internship including specifying the place of performing the internship and appointing the intern supervisor;

d) Hours of internship

e) Rights and obligations of the parties regarding:

- Covering the costs of internship;

- Necessary medical examinations;

- Insurance against accidents;

- Days off;

- Conditions for terminating the contract.

f) The method of confirming the acquired knowledge, practical skills and professional experience;

3) The internship will be **adequate to the field and level of completed or undertaken** studies;

4) The foreigner has **completed a Polish language course** or other language in which the internship takes place or takes a course at the language proficiency level necessary for internship.

A foreigner should also meet the **conditions concerning the possession of health insurance, sufficient financial resources** to cover the costs of living and return travel to the country of origin or residence or transit costs to a third country which will grant permission to enter and **have a place of residence guaranteed on the territory of the Republic of Poland** (see point 4.5)

Internship means carrying out tasks by a foreigner in order to acquire knowledge, practical skills and professional experience not constituting work on the basis of a contract with the internship organizer. The **internship organizer** may be a legal person or an organizational unit that is not a legal person to which the law grants legal capacity in which the internship takes place with its registered office on the territory of the Republic of Poland.

The list of internship organisers approved for the purpose of accepting foreigners for internships can be found [here](#).

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit is refused, if the foreigner:

1) Holds a temporary residence permit for the purpose of performing work within the framework of an intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee;

2) Applies for a temporary residence permit in order to perform work requiring high skills or holds such permit.

Except general cases of refusal to grant temporary residence permit (see point 4.10) granting to foreigner this temporary residence permit and **is refused**, if:

1) The internship organizer operates mainly to facilitate the illegal entry or stay of interns on the territory of the Republic of Poland or

2) Internship organizer:

a) Is managed or controlled by a natural person that was legally:

- has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or

- has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or

- convicted for the offence, mentioned in Article 218–221 of the Penal Code or

b) Fails to meet the obligation to pay social security premiums or

c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority, or

d) Does not run a business activity and the internship is in direct relation to such activity or

3) The bankruptcy of the internship organizer has been declared or is under liquidation, or

4) There are reasonable doubts as to the credibility of the foreigner's declarations regarding the purpose of his stay on the territory of the Republic of Poland due to evidence available to the authority or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for a temporary residence permit** the intern is refused a permit when the circumstances of the case indicate that the previous temporary residence permit was used for a purpose other than the purpose for which it was granted.

Apart from cases, mentioned in section 4.11 temporary residence permit is **withdrawn** from the foreigner, if:

1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted or

2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is valid, or

3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or

4) In the proceedings for granting temporary residency permit, the foreigner:

a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or

b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic, or

- 5) Being subject to the treatment obligation pursuant to art. 40, para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans does not consent to this treatment, or
- 6) The internship organizer operates mainly to facilitate the illegal entry or stay of internship employees on the territory of the Republic of Poland or
- 7) Internship organiser:
- a) Is legally managed or controlled by the natural person:
 - has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or
 - has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or
 - convicted for the offence, mentioned in Article 218–221 of the Penal Code or
 - b) Failed to meet the obligation to pay social security premiums or
 - c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or
 - d) Does not run a business activity and the internship is in direct relation to such activity, or
- 8) The bankruptcy of the internship organizer has been declared or it is liquidated.

4.6.11. PERMIT FOR A TEMPORARY RESIDENCE FOR A VOLUNTEER

A temporary residence permit for the volunteer is granted to a foreigner when the purpose of his stay in the territory of the Republic of Poland is to **participate in a European Voluntary Service program** and the following conditions are jointly met:

- 1) **The contract under which the foreigner is to perform the services as a volunteer** concluded with the organizational unit for which the foreigner is to perform these services determines the following:
 - a) Description of volunteering;
 - b) Duration of volunteering;
 - c) Conditions for performing and supervising volunteering;
 - d) Hours of provision of services,
 - e) Funds to cover the costs of living and accommodation of a foreigner and a minimum amount of pocket money received by a foreigner;
 - f) Trainings of a foreigner which are necessary to perform services;
- 2) **The organizational unit** for which the foreigner is to perform the services as a volunteer was **approved by the minister competent for internal affairs** for the purpose of accepting foreigners as volunteers.

A foreigner should also meet the **conditions in terms of having health insurance, sufficient financial resources** to cover the costs of living and return travel to the country of origin or residence or transit costs

to a third country which will grant permission to enter **and have a place of residence guaranteed on the territory of the Republic of Poland** (see point 4.5).

The list of organisational units for which a foreigner is to perform services as a volunteer, approved for the purpose of accepting foreigners as volunteers, can be found [here](#).

Except general cases of refusal to initiate the proceedings (see section 4.9) **initiation of the proceedings** on granting this permit **is refused**, if the foreigner:

- 1) Holds a temporary residence permit for the purpose of performing work under the an intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee;
- 2) Applies for a temporary residence permit in order to perform work requiring high qualifications or holds such permit.

In addition to the general cases of refusal of temporary residence permit that apply to this permit (see point 4.10) the **foreigner is refused this permit**, when:

- 1) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer operates mainly to facilitate the unlawfully entry into or stay of the volunteer on the territory of the Republic of Poland, or
- 2) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer:
 - a) is legally managed or controlled by the natural person:
 - has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or
 - has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or
 - convicted for the offence, mentioned in Article 218–221 of the Penal Code or
 - b) Fails to meet the obligation to pay social security premiums or
 - c) Is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in full of the execution of the decision of competent authority or
- 3) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer is liquidated, or
- 4) There are reasonable doubts as to the credibility of the foreigner's statements regarding the purpose of his stay on the territory of the Republic of Poland due to available evidence or objective circumstances indicating that the purpose of the foreigner's stay could be different than the declared one.

In addition in the case of **re-applying for a temporary residence permit** for a volunteer a permit is refused when the circumstances of the case indicate that the previous temporary residence permit was used for a purpose other than the purpose for which it was granted.

In addition to the general cases of temporary residence permit withdrawal that apply to this permit the permit is withdrawn when (see point 4.11):

- 1) The circumstances of the case indicate that it is used for any other purpose than the purpose in which it was granted, or

- 2) The entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is in force, or
- 3) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international agreements binding for the Republic of Poland, or
- 4) In the proceedings for granting this permit the foreigner:
- a) submitted the application containing untrue personal data or false information or attached documents containing such data or information or
 - b) testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or used such document as authentic or
- 5) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on preventing and fighting infections and infectious diseases in humans, the foreigner does not express his/her consent to this treatment, or
- 6) The organizational unit for which the foreigner performs or intends to perform the services as a volunteer operates mainly to facilitate unlawful entry or stay of the volunteer on the territory of the Republic of Poland, or
- 7) An organizational unit for which the foreigner performs or intends to perform the services as a volunteer:
- a) Is legally managed or controlled by the natural person:
 - has been validly punished for an offence referred to in Article 84(1) of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland, and within 2 years of the punishment has been punished again for a similar offence, or
 - has been validly punished for offences referred to in Article 84(3)-(5) of the Act of 20 March 2025 on the conditions for admitting foreigners to work in the territory of the Republic of Poland, or
 - convicted for the offence, mentioned in Article 218–221 of the Penal Code or
 - b) failed to meet the obligation to pay social security premiums or
 - c) Is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or
- 8) An organizational unit for which the foreigner performs or intends to perform the services as a volunteer is liquidated.

4.6.12. PERMISSION FOR A TEMPORARY RESIDENCE FOR MEMBERS OF THE FAMILIES OF THE CITIZEN OF THE REPUBLIC OF POLAND AS WELL AS OF EU, EEA, SWITZERLAND OR GREAT BRITAIN (WITHDRAWAL AGREEMENT) CITIZENS

- I. Temporary residence permit for a family member of Polish citizen **is granted** to the foreigner, if:
- 1. Remains, in regarded by the law of the Republic of Poland **marriage with Polish citizen** or

2. Is **minor of the foreigner who remains in**, regarded by the law of the Republic of Poland, **marriage with Polish citizen**, holding temporary residence permit for a family member of Polish citizen or permanent residence permit granted in connection with marriage with Polish citizen.

Note. In the proceedings for issuing the permit for spouse of a Polish citizen it is determined whether the marriage was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure. Confirmation of this fact may lead to refusal of granting the permit.

II. The foreigner who holds temporary residence permit for a family member of Polish citizen **is granted each time subsequent permit** in the case of:

1. Divorce or separation of the foreigner when it is justified by his/her important interest or
2. When foreigner become a widow/widower or
3. Death of the parent of a minor, when it is justified by important interest of this child.

III. Temporary residence permit for a family member of the Polish citizen **is granted for the period of up to 1 year to the foreigner**, also if:

1) **Is a child of a Polish citizen or his/her/his spouse**, and did not turn **21** or who **remains subsisted by Polish citizen or his/her/his spouse** or

2) **Parents of a Polish citizen or his/her/his spouse** who remain **subsisted by Polish citizen or his/her/his spouse**

- if Polish citizen lives on the territory of the Republic of Poland and **moves regularly from this territory to the territory of a Member State of the European Union in order to perform work on the territory of this country**, and lack of this permit would prevent the use of the free flow of employees.

IV. Temporary residence permit **may be granted to the foreigner being family member of the Polish citizen who lives on the territory of the Republic of Poland or the citizen of another Member State of the European Union Switzerland, Liechtenstein, Norway or Iceland other than this, mentioned in the Article 2(4) of the Act of 14 July 2006** on the entry into, residence in and exit from the Republic of Poland of nationals of the. European Union Member States and their family members who stays on the territory of the Republic of Poland together with this citizen – owing to:

a) **financial dependency from him/her or remaining in household in the country, from which the foreigner came** or

b) **serious health considerations** requiring personal care from this citizen.

V. Temporary residence permit **may be granted to the foreigner who conducts family life, as defined by the Convention on protection of rights and fundamental freedoms**, drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, No. 61, item 284, as amended) **with Polish citizen living on the territory of the Republic or citizen of another Member State of the European Union Switzerland, Liechtenstein, Norway or Iceland** with whom he/she stays on this territory.

VI. A temporary residence permit **may be issued** to a foreigner who is a family member of a citizen of the United Kingdom of Great Britain and Northern Ireland residing on the territory of the Republic of Poland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, other than the one referred to in Art. 2, point 4, letter b of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members, who resides on the territory of the Republic of Poland jointly with that national - due to:

a) being financially dependent on him or her or living in a household with him, in the country from which the foreigner has come, or

b) serious health grounds that require the personal care of that citizen

– if that foreigner has been granted the permit referred to in point IV before the end of the transitional period referred to in Article 126 of the Withdrawal Agreement or after the end of that period following an application made before the end of that period as a family member of a citizen of the United Kingdom of Great Britain and Northern Ireland;

VII. A temporary residence permit **may be issued** to a foreigner who has a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 with a citizen of the United Kingdom of Great Britain and Northern Ireland residing on the territory of the Republic of Poland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, with whom he or she is staying together on that territory, if that foreigner has been granted the permit referred to in point V before the end of the transitional period referred to in Article 126 of the Withdrawal Agreement or after its termination due to an application filed before the end of that period on account of leading a family life with a citizen of the United Kingdom of Great Britain and Northern Ireland;

VIII. A temporary residence permit **may be issued** to a foreigner who has a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, with a citizen of the United Kingdom of Great Britain and Northern Ireland residing on the territory of the Republic of Poland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, with whom he or she is staying jointly on that territory, if the foreigner fulfils the conditions referred to in Article 10(4) of the Withdrawal Agreement.

In the case of permits, mentioned in **section IV -VIII**, the foreigner should meet conditions concerning **health insurance and a stable source and regular income**, adequate to cover the maintenance costs for themselves and their dependent family members (see point 4.5)

PLEASE NOTE: If the foreigner **resides outside the borders of the Republic of Poland**, the application for a temporary residence permit referred to in points **IV, V, VI and VIII** shall be submitted by a **Polish citizen, a citizen of another Member State of the European Union, a member state of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area, the Swiss Confederation or a citizen of the United Kingdom of Great Britain and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, residing on the territory of the Republic of Poland to which the foreigner arrives, respectively**. The submission of this application on behalf of a family member requires the **written consent** of that family member or their legal representative, unless the applicant is their legal representative. Granting the aforementioned consent shall be equal to granting the foreigner residing on the territory of Poland a **power of attorney to act on behalf of the family member in the given proceedings**.

In the proceedings on granting temporary residence permit for the foreigner being a spouse of Polish citizen who conducts this proceedings, **determines whether the marriage has been concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure**.

In the proceedings on granting temporary residence proceedings to the foreigner, mentioned in section V, VII and VIII, the authority which conducts proceedings, **shall determine in particular, whether bonds** of this foreigner with Polish citizen or citizen of another Member State of the European Union, Switzerland Liechtenstein, Norway or Iceland **are actual and permanent**.

In order to determine whether the marriage has been concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit or bonds of the foreigner are actual and fixed, the authority which conducts this proceedings **may submit the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner , **to conduct control activities**, mentioned in the Article 11(1) of the Act on

foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

4.6.13. TEMPORARY RESIDENCE PERMISSION FOR MEMBERS OF FAMILIES OF FOREIGNERS, THE STAY OF FOREIGNERS ON THE TERRITORY OF THE REPUBLIC OF POLAND IN ORDER TO USE SHORT-TERM OR LONG-TERM MOBILITY OF THE SCIENTISTS' FAMILY

Family member of the foreigner is understood as:

- 1) A person being married to the foreigner, regarded by the law of the Republic of Poland;
- 2) The minor of the foreigner and persons being married to the foreigner, regarded by the law of the Republic of Poland, including adopted child;
- 3) The minor of the foreigner, including adopted child, being subsisted by him/her, over whom the foreigner actually express parental authority;
- 4) The minor of the person, mentioned in section 1, including adopted child, being subsisted by him/her, over whom he/she actually express parental authority.

The minor children referred to in points 2–4 shall be those who were minors at the date of submission of the application for a temporary residence permit for the purpose of family reunification.

In the case of family members of a foreigner residing in the territory of the Republic of Poland in connection with the granting of refugee status or subsidiary protection, the minor children referred to in points 2-4 are persons who were minors on the date of the foreigner's application for international protection, if the application for a temporary residence permit for the purpose of family reunification was submitted within 3 months of the date on which the foreigner was granted refugee status or subsidiary protection.

A foreigner who has been granted refugee status or subsidiary protection shall also be considered as a family member of his or her lineal ascendant or an adult responsible for a minor according to the law in force in the Republic of Poland, if the foreigner:

- 1) is a minor residing in the territory of the Republic of Poland unaccompanied or
- 2) on the day of submitting the application for international protection was a minor staying on the territory of the Republic of Poland unaccompanied or left unaccompanied, who later reached his or her majority, and the application for a temporary residence permit for the purpose of family reunification was submitted before the lapse of 6 months from the date of obtaining the refugee status or granting subsidiary protection.

The following are also considered family members of a foreigner who has been granted refugee status or subsidiary protection:

- 1) the parent of that foreigner, if on the date of submitting the application for a temporary residence permit for the purpose of family reunification, that foreigner was a minor residing in the territory of the Republic of Poland without care;
- 2) the brother or sister of that foreigner, if that brother or sister, due to a serious illness, is completely and permanently dependent on the assistance of their parents, provided that those parents are members

of the foreigner's family referred to in point 1 and have been granted temporary residence permits for the purpose of family reunification.

I. Temporary residence permit in order to join the family is granted to the foreigner who stays on the territory of the Republic of Poland or stays on this territory in order to join the family and is a member of the family of the foreigner living on the territory of the Republic of Poland

- a) on the basis of permanent residence permit,
- b) on the basis of long-term resident's EU residence permit,
- c) in connection with granting a refugee status,
- d) in connection with granting supplementing protection,
- e) for the period of at least 2 years on the basis of subsequent temporary residence permits, including directly prior to submission of the application for granting temporary residence permit for a family member – on the basis of the permit granted for a period of residence not shorter than 1 year,
- f) on the basis of a temporary residence permit for the purpose of conducting scientific research or a national visa in order to conduct scientific research or development works,
- g) on the basis of temporary residence permit for long-term mobility of the scientist,
- h) on the basis of temporary residence permit in order to perform work in the host profession requiring high qualifications,
- i) on the basis of temporary residence permit granted in order to perform work under the transfer within the enterprise,
- j) on the basis of a temporary residence permit granted for the purpose of long-term mobility of a managerial specialist or trainee employee as part of an intra-corporate transfer,
- k) on the basis of a temporary residence permit granted to a foreigner who directly before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research completed scientific research or development works and searches for work in the Republic of Poland or plans to start business on this territory,
- l) under the right of residence or permanent residence of a national of the United Kingdom of Great Britain and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement,
- ł) on the basis of a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder,
- m) In connection with granting residence permit for humanitarian reasons.

II. Temporary residence permit **may be granted to a minor of the foreigner** who stays on the territory of the Republic of Poland **on the basis of the national visa or temporary residence permit**, if this child **was born throughout the term of validity** of this national visa or temporary residence permit.

III. **Separate temporary residence permit is granted** to the foreigner who is married to a foreigner who lives on the territory of the Republic of Poland or is an adult child of the foreigner who lives on this territory and **who stays on the territory of the Republic of Poland for at least 5 years on the basis of temporary residence permit in order to join the family.**

In the case of a spouse or adult child of the foreigner who lives on the territory of Poland on the basis of temporary residence permit in order to perform work requiring high qualifications **residence on the territory of a Member State of the European Union as a family member of the owner of "Blue EU Card" is envisaged, published in connection with granting residence permit in order to perform work requiring high qualifications, if for least 2 years, immediately before submitting the application, stayed on the territory of the Republic of Poland on the basis of temporary residence permit in order to join the family as family members of the foreigner living on the territory of Poland on the basis of temporary residence permit in order to perform work in the profession requiring high qualifications.**

IV. The foreigner who stayed on the territory of the Republic of Poland on the basis of temporary residence permit in order to join the family, **is granted each time** temporary residence permit when it is justified by **his/her important interest**, in the case of:

- 1) Divorce, separation or becoming a widow/widower of this foreigner, if he/she was married to a foreigner who lives on the territory of the Republic of Poland, recognized by the Polish law or
- 2) Death of the parent being a foreigner who lives on the territory of the Republic of Poland or
- 3) Death of a minor, having refugee status or subsidiary protection.

In the case of temporary residence permit, mentioned in section I, II, III, the foreigner should meet conditions concerning **health insurance, stable and regular source of income** adequate to cover the maintenance costs for himself and family members being subsisted by him/her and having **place of residence provided on the territory of the Republic of Poland** (see section 4.5) These Terms **shall not apply** to the temporary residence permit in order to join the family (section I) granted for the family member of the foreigner who have been granted with a refugee status or subsidiary protection and when the application for granting this permit was **submitted before the end of 6 months from the date of obtaining a refugee status or granting subsidiary protection.**

These conditions shall also **not apply** to a temporary residence permit for the purpose of family reunification (point I) granted to a family member of a foreigner who has been granted refugee status or subsidiary protection, where the family member is:

- 1) the parent of that foreigner, if on the date of submitting the application for a temporary residence permit for the purpose of family reunification, that foreigner was a minor residing in the territory of the Republic of Poland without care;
- 2) the brother or sister of that foreigner, if that brother or sister, due to a serious illness, is completely and permanently dependent on the assistance of their parents, provided that those parents are members of the foreigner's family referred to in point 1 and have been granted temporary residence permits for the purpose of family reunification.

The conditions concerning the possession of a **stable and regular source of income** sufficient to cover the costs of maintaining oneself and dependent family members and the possession of **a place of residence in Poland shall not apply** to a temporary residence permit for the purpose of family reunification granted to a family member of a foreigner who holds a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder, if the family was established in the Member State which issued the residence document referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'EU Blue Card'.

When granting temporary residence permit for a family member of the foreigner, the requirement to have a stable and regular source of income **is understood as fulfilled also when maintenance costs of the foreigner will be covered by the family member obliged to its maintenance who lives on the territory of the Republic of Poland.**

In the proceedings for granting or withdrawal of the temporary residence permit in order to join the family, the following is accepted:

- 1) The interest of the minor;
- 2) Nature and durability of family bonds on the territory of the Republic of Poland;
- 3) Period of stay of a foreigner on the territory of the Republic of Poland;
- 4) The existence of family, cultural and social bonds with the state of origin.

In the proceedings on granting temporary residence permit in order to join the family (section I) the foreigner being a spouse of the foreigner, the authority which conducts proceedings **shall determine whether the marriage was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit.**

In order to determine whether the marriage was concluded in order to evade the act on foreigners, the authority which conducts this proceedings **may submit the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner, **to conduct control activities**, mentioned in the Article 11(1) of the Act on foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

NOTE: If the foreigner stays outside the borders of the Republic of Poland, the application on granting temporary residence permit in order to join the family (section I) is submitted **by the foreigner who lives in Poland**, to whom the member of the family arrives. Submission by the foreigner who lives on the territory of the Republic of Poland, the application for granting temporary residence permit in order to join the family on behalf of the member of his/her family, requires **written consent** of this member of the family or his/her statutory representative, unless the applicant is his/her statutory representative. Expression of such consent is synonymous with granting to the foreigner who lives on the territory of the Republic of Poland **power of attorney to act on behalf of the family member in a given proceedings.**

If an application for a temporary residence permit for the purpose of family reunification (point I) was **submitted on the same day or within 3 days of the date of submission of an application** for a foreigner to whom the family member is joining or with whom he or she is staying, **a temporary residence permit for the purpose of performing work as part of an intra-corporate transfer or for the purpose of long-term mobility of a manager, specialist or trainee as part of an intra-corporate transfer**, a permit for the purpose of family reunification shall be granted or refused by the voivode competent for the registered office of the host entity. In such a case, the voivode grants or refuses to grant a permit for the purpose of family reunification immediately after granting or refusing to grant the above-mentioned permit to the foreigner to whom the family member is joining or with whom he or she is staying.

If the application for a temporary residence permit for the purpose of family reunification (point I) was **submitted on the same day or within 3 days of the date of submission of the application for a temporary residence permit** for a foreigner, to whom a family member joins or with whom he or she is staying, **for performing work in a profession requiring high qualifications. for the purpose of long-term mobility of the holder of an EU Blue Card, for the purpose of conducting scientific research or for the purpose of long-term mobility of a scientist**, the permit for family reunification shall be granted or refused by the voivode competent to grant the above-mentioned permit to the foreigner whom the family member is joining or with whom he or she resides. In such a case, the provincial governor shall grant or refuse to grant a permit for the purpose of family reunification immediately after granting or refusing to grant the above-mentioned permit to the foreigner to whom the family member is joining or with whom he or she is residing.

V. **Mobility of a family member of the scientist** is the right of the foreigner to enter and stay on the territory of the European Union Member States for the purpose of staying with the scientist enjoying

mobility resulting from the possession of a valid residence permit referred to in art. 1, point 2) of Council Regulation (EC) No. 1030/2002 (equivalent to a Polish residence card) or a long-term visa with the annotation "scientist" issued by a European Union Member State other than the one in which the researcher uses this right. **This does not apply to Ireland and Denmark.** Mobility can be short-term or long-term.

Short-term mobility of a family member of the scientist means using mobility for up to 180 days in any period of 360 days in any EU Member State. In contrast **long-term mobility of a family member of the scientist** means using mobility for a period exceeding 180 days in a given Member State of the European Union.

In order for the foreigner to enjoy **short term mobility of the family member of the scientist** on the territory of the Republic of Poland it is necessary for the Head of the Office for Foreigners to:

- Receive the **notice on the intention to use this mobility** by a foreigner from scientific unit having the registered office on the territory of the Republic of Poland approved by the minister competent for the internal affairs.
- The Head of the Office for Foreigners has not issued an objection within 30 days.

A foreigner wishing to enjoy the mobility of a short-term family member of the scientist on Polish territory should also have a residence permit for joining the family and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist".

NOTE: A foreigner entering the territory of the Republic of Poland for the purpose of short-term mobility as a family member of a researcher who holds a residence permit for the purpose of family reunification and a residence document issued in connection with that permit, referred to in Article 1(2)(a) of Regulation No 1030/ 2002, issued by another Member State of the European Union which issued that researcher with a residence permit or a long-term visa, with the annotation 'researcher', **if that country is not a Schengen country, shall additionally submit a copy of the notification** sent of the foreigner's intention to benefit from this mobility.

The **notification** should be drawn up **in Polish language**. It shall be submitted in writing in paper form or in electronic form to the address for electronic delivery referred to in Article 2(1) of the Act of 18 November 2020 on electronic delivery (Journal of Laws of 2024, item 1045, as amended). It should contain **data and information concerning the foreigner** intending to take advantage of the short-term mobility:

- 1) Name (names) and surname;
- 2) Date and place of birth;
- 3) Gender;
- 4) Citizenship;
- 5) Position on which the foreigner will perform the work;
- 6) Planned period or periods of performing the work on the territory of the Republic of Poland;
- 7) The name of the European Union Member State that issued the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist";
- 8) The period of validity of the residence permit or period of validity and the permissible period of stay indicated in the long-term visa referred to in point 7;
- 9) Validity period of the residence permit for the purpose of family reunification and the residence permit issued in connection therewith referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 granted

to a member of the family of the scientist by a Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist";

10) Information on the health insurance owned by a family member of the scientist;

11) Information on funds held by a family member of the scientist for covering the costs of living and return travel costs to the European Union Member State referred to in point 7;

12) Name and address of a scientific institution established on the territory of a Member State of the European Union referred to in item 7 in which institution the scientist whose family member is a foreigner conducts or until so far conducted research or development works;

13) Name and address of a scientific unit on the territory of the Republic of Poland in which scientific researches or development works are or will be conducted by the scientist;

14) Name, surname, official position and signature of a person or persons authorized to represent a scientific unit having its registered office in the territory of the Republic of Poland.

In addition the notice should be accompanied by **the following documents**:

1) Proof that the foreigner has health insurance (see point 4.5);

2) Possession by the foreigner of sufficient financial resources to cover the cost of living and return travel to the Member State of the European Union which issued residence permit to the foreigner referred to in art. 1, point 2 (a), and Regulation No. 1030/2002 or a long-term visa with the "scientist" annotation in an appropriate amount (see point 4.5)

3) Proof of a residence permit for the purpose of family reunification, and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the scientist the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist".

Documents prepared in a foreign language shall be attached together with **a certified translation into Polish**.

The head of the Office for Foreigners issues a **decision on objection** in the event that:

1) Residence permit for the purpose of family reunification, and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 issued by another Member State of the European Union which issued to the scientist the residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist", does not include the period of planned short-term mobility of a family member of the scientist;

2) The foreigner does not have health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds or proof of coverage by the insurer of medical costs on the territory of the Republic of Poland, or

3) The foreigner does not have sufficient financial means to cover the cost of living and return travel to the Member State of the European Union which issued to the scientist with whom the foreigner intends to reside on the territory of the Republic of Poland the residence permit referred to in art. 1, point 2 (a) of the Regulation No 1030/2002 or a long-term visa with the annotation "scientist" in an appropriate amount (see point 4.5); or

4) The notification contains false personal data or false information or attached documents containing such data or information or has been forged or altered, or

5) The foreigner's data is entered into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable, or

6) The foreigner's data can be found in the Schengen Information System for the purposes of refusing entry and stay, or

7) It is required by the defence or security reasons of the state or the protection of public safety and order.

The decision of the Head of the Office for Foreigners on the objection is **final**.

After receiving the notification the Head of the Office for Foreigners turns to Chief Commander of the Border Guard, Chief Commander of the Police, the Head of the Internal Security Agency, and if necessary also to other bodies, to provide information on whether there are circumstances to issue a decision on the objection referred to in point 7. The above-mentioned authorities provide information within 20 days from the date of receipt of the request.

In order for a foreigner to enjoy **long-term mobility of the family member** of a scientist on Polish territory it is necessary to apply for a temporary **residence permit for the purpose of long-term mobility of a family member of the scientist**.

To obtain the above permit the foreigner should meet the conditions regarding the possession of **health insurance, sufficient financial resources** and possession of the **place of residence** provided in Poland (see point 4.5). In addition the foreigner should have a residence permit for the purpose of family reunification and a residence permit issued in connection with this permit as referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 granted by a Member State of the European Union which issued to the researcher a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist". In addition a scientist using or intending to use long-term scientist mobility with whom a foreigner who is a member of his family should stay on the territory of the Republic of Poland has a residence permit referred to in art. 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" issued by another Member State of the European Union.

Initiation of proceedings in the matter of granting a permit to a foreigner is **refused** when a foreigner on the day of submitting the application for granting the permit:

1) Holds temporary residence permit for the purpose of performing work under the intra-corporate transfer granted for the purpose of performing work on the territory of the Republic of Poland as an internship employee, or

2) Applies for a temporary residence permit in order to work in a position requiring a high qualifications or holds such permit, or

3) Application for granting this permit was submitted on the same day or within 14 days from the date of receipt by the Head of the Office for Foreigners of notification on the intention on the short-term mobility of the scientist.

In addition to the general cases of refusal of temporary residence permit applicable for this permit (see point 4.10), granting a temporary residence permit to use the long-term mobility of a family member of the scientist **is refused** once the validity of the residence permit document issued by another EU Member State referred to in Article 1, point 2 (a) of the Regulation No. 1030/2002 or a long-term visa with the annotation "scientist" owned by the scientist with whom a family member resides on the territory of the Republic of Poland has expired.

In addition to the general cases of withdrawal of a temporary residence permit applicable to this permit (see point 4.11), a temporary residence permit for the purpose of using long-term mobility is **withdrawn** when:

1) Entry of the foreigner's data into the list of foreigners whose stay is undesirable in the territory of the Republic of Poland is valid, or

2) 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

3) While being subject to a treatment obligation pursuant to art. 40 para. 1 of the Act of 5 December 2008 on preventing and combating infections and infectious diseases in humans does not consent to this treatment.

In case foreigner who is a family member of a scientist holding a **temporary residence permit for a family reunification** intends to **enjoy the mobility of a short-term or long-term family member of a scientist in another EU Member State**, a scientist whose family member is that **foreigner, a scientific unit** in which scientist conducts scientific research or development work located on the territory of the Republic of Poland or a **scientific institution** in which the scientist intends to conduct research or development work based in that other Member State of the European Union **notify about this intention the competent authority of this Member State and the Head of the Office for Foreigners** if the provisions in force in that Member State provide for such notification

4.6.14. RESIDENCE ON THE TERRITORY OF THE REPUBLIC OF POLAND OF FOREIGNERS WHO ARE VICTIMS OF HUMAN TRAFFICKING

The foreigner, to whom there is a **presumption that he/she is a victim of human trafficking** it is necessary to issue **certificate** confirming the existence of such presumption.

The residence of the foreigner on the territory of the Republic of Poland **shall be deemed to be legal for the period of validity of the issued certificate.**

The certificate is **valid for the period of 3 months** from the date of its issuance, and in the case of **the minor foreigner – for the period of 4 months** from the date of its issuance.

The residence of the foreigner **ceases to be deemed legal** upon reporting by the minister competent for internal affairs information in the register that the foreigner:

- 1) **Actively, voluntarily and on its own initiative entered into contact with people suspected to have committed a crime of human trafficking or**
- 2) **Exceeded or tried to pass the borders against legal provisions.**

Such information is transferred by the authority which issued the certificate.

The certificate is issued to the foreigner by the authority competent to conduct the proceedings in the case of human trafficking.

The authority competent to conduct the proceedings with regard to human trafficking instructs the foreigner in writing, in the understandable language on the regulations concerning legal nature of the residence of the foreigner during granting of the above mentioned certificate and on circumstances, causing that the residence of the foreigner ceases to be considered as legal as well as informs on the authority competent to issue the certificate and validity period of this certificate. The authority which issued the certificate to the foreigner shall notify the competent minister for internal affairs on this matter.

Temporary residence permit for victims of human trafficking is granted to the foreigner, if he/she jointly meets the following conditions:

- 1) Stays on the territory of the Republic of Poland,

2) Cooperates with the authority competent with regard to conducting proceedings concerning human trafficking, and in the case of the minor foreigner – received status of a victim in this proceedings,

3) Terminated contacts with persons suspected to have committed a crime of human trafficking.

The entity conducting proceedings concerning granting temporary residence permit for victims of human trafficking to the foreigner provides the foreigner who does not speak Polish in a sufficient degree, with a possibility to use translator's assistance.

Temporary residence permit for victims of human trafficking **is withdrawn** from the foreigner:

1) If the reason for residence cease to exist, which was the reason for granting the permit or if the foreigner failed to meet the requirements of granting permission for temporary residence owing to the declared purpose of residence cease to exist, in particular if the foreigner **terminated cooperation with the authority competent for conducting proceedings concerning human trafficking** or when **such proceedings was finished** or

2) If it is required due to considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland or

3) In the proceedings for granting temporary residence permit:

(a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information or

b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic.

4.6.15. TEMPORARY RESIDENCE PERMIT DUE TO CIRCUMSTANCES REQUIRING A SHORT-TERM RESIDENCE

Temporary residence permit owing to the circumstances requiring short-term residence of the foreigner on the territory of the Republic of Poland can be granted to the foreigner who stayed on this territory, if:

1) He/she is obliged to show in person in front of a Polish public authority or

2) Presence of the foreigner on the territory of the Republic of Poland is justified by his/her exceptional personal situation or

3) Presence of the foreigner on the territory of the Republic of Poland is justified by the interest of the Republic of Poland.

Such permit **is granted for any period justifying residence not exceeding 6 months.**

This permit may also be granted if the circumstances of the application for this permit do not justify the foreigner's stay in the territory of the Republic of Poland for a period longer than 3 months.

A foreigner's temporary residence permit **shall be revoked** due to circumstances requiring a short-term stay, when the purpose of the stay for which the permit was granted has ceased to exist, or when at least one of the circumstances referred to in points 4.10(3)-(5) of the instructions has occurred.

4.6.16. TEMPORARY RESIDENCE PERMIT DUE TO SEASONAL WORK

Such permit shall be granted to the foreigner in the case when the purpose of the residence on the territory of the Republic of Poland is to perform work in the scope of activities specified in the regulations issued pursuant to Article 45, paragraph 2 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland (seasonal work) **at an entity entrusting work to a foreigner that has previously employed that foreigner or at another entity entrusting work to a foreigner.**

The foreigner should meet conditions concerning **health insurance** and **stable and regular source of income** adequate to cover the maintenance costs for himself and family members being subsisted by him/her (see section 4.5).

Additional conditions for granting the permit:

- The foreigner entered on the territory of the Republic of Poland **on the basis of a visa issued in order to perform work on the basis of a seasonal work permit** or under visa-free traffic, in connection with the application for the issuance of seasonal work permit entered to the application records, mentioned in the Article 73 section 2 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland;
- Holds the **seasonal work permit** or **extended seasonal work permit**, valid in the period exceeding the period identified by the visa or the period of residence under visa-free traffic;
- Is provided with **accommodation** on the territory of the Republic of Poland.

Temporary residence permit owing to the seasonal work may be also granted if the circumstances applying for this permit **do not justify the residence of the foreigner on the territory of the Republic of Poland within the period longer than 3 months.**

Apart from general, applicable cases of refusal to grant temporary residence permit (see section 4.10) the permit **is refused from the foreigner**, if he/she fails to meet the requirements of granting such permit. Apart from general applicable cases of withdrawal temporary residence permit (see section 4.11), the permit **is withdrawn from the foreigner**, if:

- **The purpose for residence cease to exist** due to which the permit was granted or
- The foreigner **failed to meet requirements** for granting such permit.

4.6.17. EMPORARY RESIDENCE PERMIT DUE TO OTHER CIRCUMSTANCES

I. Temporary residence permit owing to other circumstances **is granted** to the foreigner, if:

- 1) He/she intends, as a **family member, to live on the territory of the Republic of Poland jointly with migrating employee**, mentioned in section 19, part I and the Article 19, part II of Social European Card, drawn up in Turin on 18 October 1961 (Journal of Laws of 1999 No. 8, item 67 of 2010 No. 76, item 491 and of 2011 No. 168 item 1007), **or conducting business activities on their own account along with the foreigner**, mentioned in the Article 19(10) part II of Social European Card, drawn up in Turin on 18 October 1961, or
- 2) Is a minor foreigner **born on the territory of the Republic of Poland and stays on this territory unattended**, or

3) **Holds long-term resident's EU residence permit granted by other Member State of the European Union, and:**

- a) Intends to perform work or conduct business activities on the territory of the Republic of Poland on the basis of the provisions binding in this respect on this territory or
- b) Intends to undertake or continue studies or vocational trainings on the territory of the Republic of Poland or
- c) Proves that there are other circumstances justifying his/her stay on the territory of the Republic of Poland or

4) is a **family member of the foreigner, mentioned in (3)** with whom he/she stayed on the territory of other Member State of the European Union and accompanies him/her or intends to join him/her, or

5) has the right to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Council of the Association of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal ECL 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1), or

6) Is a **graduate of Polish higher education institution**, and is looking for work on the territory of the Republic of Poland or plans to start a business in that territory, or

7) Immediately prior to submitting the application for this permit he/she stayed on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research, **completed scientific research or development work** and is looking for work in the Republic of Poland or plans to start business in that territory, or

8) is a citizen of the United Kingdom of Great Britain and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, who until 31 December 2020 performed work in the territory of the Republic of Poland as an employee posted by a foreign employer in the territory of the Republic of Poland, or

9) immediately prior to submitting an application for that permit, was staying in the territory of the Republic of Poland on the basis of a national visa issued for the purposes referred to in Article 60(1)(23) of the Act on Foreigners (i.e. arrival for humanitarian reasons, due to the interest of the state or due to international obligations) and possesses citizenship defined in the provisions issued on the basis of Art. 186 paragraph 5 of the above mentioned Act (which currently applies to citizens of the Republic of Belarus).

Family member, mentioned in (1), is understood as spouse or children having less than 21 years, being subsisted by migrating employee or persons conducting business activities.

Family member of the foreigner, mentioned in (3), is understood as the foreigner, belonging to family members eligible to grant temporary residence permit in order to join the family.

The temporary residence permit referred to in point 8 shall be granted if the foreigner has applied for this permit no later than 31 December 2021.

II. Temporary residence permit owing to other circumstances is **granted** to the foreigner, if the foreigner:

1) Intends to take or continue on the territory of the Republic of Poland:

- a) **Education**, or
- b) **Vocational training**, or

2) Is a **clergyman**, member of an order or person serving religious function in the church or religious association whose status is regulated by the international contract, regulations binding on the territory of the Republic of Poland or operates on the basis of the entry in the register of churches and other religious associations, and if his/her stay on the territory of the Republic of Poland is connected with the performed function or preparation to its performance or

3) Is a **victim in the criminal proceedings being underway against an entity delegating work performance (employer)**:

a) As a result of crime of delegating work performance under conditions of special use, mentioned in the Article 10(1) of the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland (Journal of Laws, 2021, item 1745 as amended), or

b) Is the minor foreigner who was to perform work during illegal residence, or

4) Directly prior to the submission of the application for granting the permit, stayed on the territory of the Republic of Poland on the basis of permit, mentioned in (4), until the receipt of remuneration from the entity entrusting performance of work or entity, mentioned in the Article 6 or Article 7 of the Act of 15 June 2012 concerning the effect of employing foreigners residing illegally on the territory of the Republic of Poland, or

5) **His/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for the right to family life, as defined by the Convention on protection of human rights and fundamental freedoms**, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally**, or

6) **His/her entry on the territory of the Republic of Poland would breach the rights of the child, defined in the Convention on the Rights of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally**, or

7) **Demonstrated that there are other circumstances** than those specified in Section V of the Act on foreigners, concerning temporary residence permit justifying his/her stay on the territory of the Republic of Poland.

In the case of temporary residence permits due to other circumstances, indicated in point I, items 1, 3, 4, 6, 7 and 8 and in point II, items 1, 2, 4 or 7, the foreigner should fulfil the condition of having **health insurance** (see point 4.5).

In the case of permits for temporary residence due to other circumstances listed in point I, subpoints 1, 3 or 4 and 8 and in point II, subpoint 1(b) or 7, the foreigner should meet the condition of having a **stable and regular source of income** sufficient to cover the costs of living for themselves and their dependent family members (see point 4.5). This requirement **is understood as fulfilled**, also if **maintenance costs of the foreigner shall be covered by the family member obliged to his/her maintenance who lives on the territory of the Republic of Poland**.

In the case of temporary residence permit owing to other circumstances, indicated in section I(3) or (4) (6) or (7) and in point II, item (1), (2), (4) or (7), the foreigner should meet the condition on having **place of residence on the territory of the Republic of Poland** (see point 4.5).

In the case of temporary residence permit in order to undertake or continue education, the foreigner should meet the condition on having **sufficient financial resources to cover the costs of residence, maintenance and return** (see section 4.5) **and costs of education**.

In the case of a temporary residence permit for a **graduate of a Polish university** and the **scientist who completed scientific research or development works** indicated in point I, item 6 or 7, the foreigner should meet the condition of having sufficient financial resources to cover the costs of living and return. In

addition a graduate of a Polish higher education institution is required to present a diploma of higher education institution at a Polish higher education institution. However, the scientist should present a document issued by a scientific unit based on the territory of the Republic of Poland in which he conducted scientific research or development works confirming the completion of such research or works.

In the case of permission for temporary residence, mentioned in section II (2) or (4), the foreigner should meet the condition on having **maintenance provided on the territory of the Republic of Poland**.

In the proceedings on granting temporary residence permit, mentioned in section I (4) the provisions of the Act on foreigners concerning determination **whether the marriage of the foreigner was concluded in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and departure** shall apply.

4.7 PERIOD FOR WHICH A TEMPORARY RESIDENCE PERMIT IS GRANTED

Temporary residence permit is granted each time for a period necessary to implement residence purpose on the territory of the Republic of Poland, however not longer than 3 years.

In the case of temporary residence permit:

- In order to **perform work as an intra-corporate transferee or in order to benefit from long-term mobility of a manager, specialist or trainee employee in the framework of an intra-corporate transfer**, if the purpose of the foreigner's stay in the territory of Poland is to perform work as **trainee employee** - for a period of up to 1 year. Permit in order to benefit from **long-term mobility** of a manager, specialist or trainee in the framework of an intra-corporate transfer shall be granted for a period not longer than the period of validity of the foreigner's residence document, mentioned in Article 1(2) (a) of the Regulation no. 1030/2002, with "ICT" annotation, issued by another Member State of the European Union
- In order to **study at higher education institution** – the first permit for the foreigner who undertakes studies on the first year, is granted for a period of 15 months, and where the studies are covered by an EU program or a multilateral program including mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility the first temporary residence permit is granted for a period of 2 years. A foreigner undertaking education at a doctoral school shall be granted a first permit for the purpose of studying for a period of 2 years and 6 months. If the circumstance justifying the application for a temporary residence permit justifies the stay of a foreigner on the territory of the Republic of Poland for a period shorter than the 15 months or two years described above the first permit for a foreigner who undertakes studies on the territory of the Republic of Poland in the first year is granted for the duration of Academic year or study extended by 3 months. Subsequent permits may be granted for up to 3 years. A permit for the purpose of studying is granted for the duration of the preparatory course for undertaking studies, extended by 3 months. **Subsequent temporary residence permits** for the purpose of studying are granted for the duration of the studies or for the duration of the preparatory course for undertaking studies, extended by 3 months, and in the case of doctoral students - by 6 months, but not longer than 3 years;
- In order to conduct **scientific research** - for the period of up to 3 years. If the purpose of residence justifies the fact that the foreigner lives on the territory of the Republic of Poland for less than 3 years, permission for temporary residence in order to conduct scientific research shall granted for a period of research project implementation or for a period of conducting scientific research or development works on the territory of the Republic of Poland. Temporary residence permits for long-term mobility of the scientist are granted for the period of scientific research or development works on the territory of Poland, however not longer than the period of validity of the residence permit referred to in art. 1, point 2 (a) and Regulation No. 1030/2002 or the period of stay resulting from a long-term visa with the annotation "scientist" issued by another Member State of the European Union;

- For an **intern** - for the period necessary to perform the contract under which the foreigner will be undertaking internship, no longer than 6 months;
- For a **volunteer** - for the period necessary to perform the contract under which the foreigner is to perform the services as a volunteer, not longer than 1 year;
- For **family reunification** - for the period up to date of granting the temporary residence permit for the foreigner, where he/she intends to arrive or arrived in order to join with family and if the foreigner has permanent residence permit, long-term resident's EU residence permit, supplementary protection, residence permit for humanitarian reasons or refugee status assigned in the Republic - for the period of up to 3 years;
- For **the long-term mobility of a family member of the scientist** - until the date on which the expiry date of a temporary residence permit in order to enjoy long-term mobility of the scientist granted to a foreigner with whom a family member is staying on the territory of the Republic of Poland.
- For **the minor of the foreigner who** stays on the territory of the Republic of Poland on the basis of national visa or temporary residence permit, if this child was born throughout the term of validity of this national visa or temporary residence permit - for the period until the day, when validity of national visa or temporary residence permit granted to the statutory representative of the child cease to exist;
- For **the victim of human trafficking** – for the period of at least 6 months;
- Owing to the **circumstances requiring short-term residence** - for the period necessary to implement the goal, due to which it was granted, not longer than 6 months;
- Due to **seasonal work** - for the period of the foreigner's seasonal work permit or extended seasonal work permit, not longer than 9 months from the date of the first entry into the territory of the Republic of Poland in a given calendar year on the basis of a visa issued for the purpose of working on the basis of a seasonal work permit or under visa-free traffic in connection with the application for issuing seasonal work permit entered to the applications register, mentioned in the Article 73 section 2 of the Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland;
- In order to undertake or continue **education or vocational training** – for the period of education or vocational training, not longer than for a period of 1 year;
- For the **graduate of the Polish higher education institution** - directly upon finishing studies, each time for a period of 1 year;
- For the **scientist who has completed research or development work** immediately after completion of scientific research or development work, once for a period of 9 months;
- For **the family member of the foreigner having long-term resident's EU residence permit granted by other Member State of EU** – for a period of the validity of temporary residence permit granted for long-term EU resident;
- For a citizen of the **United Kingdom of Great Britain** and Northern Ireland, referred to in art. 10 **(1)(b) and (d)** of the Withdrawal Agreement, **who until 31 December 2020 performed work on the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland - once for a period of 5 years;
- for the holder of a visa issued for humanitarian reasons, on grounds of state interest or international obligations (citizens of the Republic of Belarus), only once, for a period of 3 years.

4.8 LEAVING THE APPLICATION WITHOUT CONSIDERATION

Application for granting temporary residence permit is left without examination if the application:

1. **Contains formal shortages**, which were not completed by the foreigner despite the summons to do this within not less than 7 days **which are understood as, for instance:**

- Failure to submit the application on the appropriate form,
- Failure to fulfil all required columns in the application form;
- Failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
- Failure to apply 4 current and relevant photographs;

2. The application for granting temporary residence permit was not submitted by the foreigner in person, and despite the summons to show up in person within the time not less than 7 days, the foreigner did not show in the office (except for applications for granting temporary residence permit for the purpose of family reunification and applications for granting a permit for a temporary residence referred to in point IV, V, VI or VIII of Chapter IV, section 4.6.12, submitted on behalf of the foreigner who is outside the territory of Poland - see section 4.2 and application for a temporary residence permit for intra-corporate transfer or long-term mobility of a manager, specialist or trainee employee under the intra-corporate transfer, submitted by the host entity).

4.9 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING TEMPORARY RESIDENCE PERMIT

Initiation of the proceedings for granting temporary residence permit **is refused**, if on the day of submitting application for granting this permit the foreigner:

- 1) Holds permanent residence permit or long-term resident's EU residence permit, or
- 2) Stays on the territory of the Republic of Poland on the basis of Schengen visa authorizing only to enter into the territory, issued in order to arrive for humanitarian reasons, state interest or international liabilities, or
- 3) Stays on the territory of the Republic of Poland on the basis of temporary residence permit owing to the circumstances requiring short-term residence, or
- 4) Stays on the territory of the Republic of Poland on the basis of permit for a tolerated stay or residence permit for humanitarian reasons or in connection with granted asylum, supplementing protection or granted refugee status in the Republic of Poland, or
- 5) Applies for international protection or asylum, or
- 6) Is detained, placed in guarded centre or jail for foreigners or preventive measure are used against him/her in the form of a ban on leaving the country, or
- 7) Is imprisoned or is under temporary arrest, or
- 8) Stays on the territory of the Republic of Poland after he/she was obliged to return, the term of voluntary departure has not elapsed, mentioned in the decision on obligation of the foreigner to return, also in the case of extension of this period, or
- 9) Is obliged to leave the territory of the Republic of Poland within 30 days from the date on which the decision:

a) to refuse to extend his Schengen visa or national visa, to grant him a temporary residence permit, a permanent residence permit or an EU long-term resident's residence permit, a decision to discontinue

proceedings in these cases or a decision to revoke his or her temporary residence permit, permanent residence permit or long-term EU resident's residence permit, or

b) a decision to refuse to grant him refugee status or subsidiary protection, to declare his application for international protection inadmissible, to discontinue proceedings for granting him international protection, or a decision to withdraw his refugee status or subsidiary protection, or

c) the withdrawal of a residence permit on humanitarian grounds

- has become final, and in the case of a decision issued by a higher authority - from the date on which the decision was delivered to the foreigner; or

10) Stays outside the Republic of Poland.

11) Apart from the above mentioned cases, initiation of the proceedings for granting temporary residence permit is refused, if during the submission of the application for granting this permit or in additional term indicated by the voivode, **failed to give fingerprints in order to issue residence card**.

Point 10 shall not apply in the case of an application for granting to a foreigner a temporary residence permit for the purpose of **family reunification and application for granting a permit for a temporary residence referred to in point IV, V, VI or VIII of Chapter IV, section 4.6.12**, if the foreigner to whom the application relates stays outside Poland (see section 4.2).

In the proceedings for granting permission for temporary residence in order to perform work under the **transfer within the enterprise** and temporary residence permit in order to **use long-term mobility of an employee of the managerial staff specialist or trainee employee, as part of an intra-corporate transfer** shall not apply the above mentioned grounds to refuse to initiate the proceedings (see section 4.6. 3 and section 4.6.4).

In the proceedings for granting temporary residence permit for **victims of human trafficking** shall not apply grounds to refuse to initiate the proceedings, mentioned in point 2 and 4–6.

In the proceedings for granting temporary residence permit owing to the circumstances requiring **short-term residence** shall not apply grounds to refuse to initiate the proceedings, mentioned in point 2, 3 and 6–8.

4.10 REFUSAL TO GRANT TEMPORARY RESIDENCE PERMIT

Temporary residence permit may not be granted to the foreigner, if:

- 1) He/she fails to meet requirements for granting temporary residence permit owing to the declared purpose of residence card or circumstances which form the basis for applying for this permit, not justify his/her stay on the territory of the Republic of Poland within period longer than 3 months, or
- 2) Entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesirable, is valid, or
- 3) His/her data can be found in Schengen Information System to refuse the entry and stay, or
- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland, or
- 5) In the proceedings for granting temporary residence permit, the foreigner:
 - a) Submitted the application containing untrue personal data or false information or attached documents containing such data or information, or

- b) Testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or
- 6) He/she is in arrears with payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or
- 7) He/she failed to pay costs related to issuance and execution of the decision on obligation of the foreigner to return which were covered from the state budget, or
- 8) He/she while subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on prevention and counteracting of infectious diseases in people, the foreigner does not express his/her consent to this treatment, or
- 9) He/she submitted an application during illegal residence on the territory of the Republic of Poland or stays on this territory illegally.

The foreigner who was granted temporary residence permit, **notifies the voivode within 15 business days the cessation of causes for granting the permit to the voivode who granted this permit.** If the temporary residence permit has been granted by the Head of the Office for Foreigners in the second instance the notification is addressed to the voivode who ruled on the granting of this permit in the first instance. The foreigner may not be granted temporary residence permit in the case of failure to perform the above mentioned obligation, if the application for granting subsequent temporary residence permit was submitted before the end of 1 year from the end of the period of validity of preceding permit or from the date when the decision on withdrawal of temporary residence permit became final.

If the foreigner's data can be found in **Schengen Information System to refuse the entry and stay** (point 3), temporary residence permit may be granted taking into account the reasons underlying the decision of the Schengen state that entered the entry into the Schengen Information System and taking into account the threats referred to in Article 27(d) of Regulation No 2018/1861 that may be caused by the presence of a given foreigner on the territory of the Schengen states.

In the proceedings for granting temporary residence permit in order to **perform work in profession requiring high qualifications**, for the **long-term mobility of the EU Blue Card holder**, in order to undertake **studies**, in order to conduct **scientific research**, in order to **join the family** (mentioned in section 4.6.13, section I), temporary residence permit to enjoy **long-term mobility of a family member of a scientist** (referred to in section 4.6.13. section V), temporary residence permit due to other circumstances - granted to citizens of the Republic of Belarus - holders of a national visa issued for humanitarian reasons, on grounds of state interest or because of international obligations, grounds to refuse to grant permissions listed in point 6 and 7 shall not apply.

Grounds for refusal to grant temporary residence permit in order to **perform work by posted foreigner** by the foreign employer on the territory of the Republic of Poland, mentioned in point 9 shall not apply to the foreigner who is temporarily delegated to provide services on the territory of the Republic of Poland by the employer having its registered office on the territory of a Member State of the European Union, of a Member State of European Free Trade Association (EFTA) – parties to the contract on the European Economic Area or Swiss Confederation, authorized to stay and work on the territory of this country.

In the proceedings for granting temporary residence permit in order to **perform work under intra-corporate transfer** shall not apply grounds to refuse to grant permit, mentioned in point 5 – 9. In the case of applying for granting **subsequent temporary residence permit in order to perform work under the intra-corporate transfer** and in the proceedings for granting temporary residence permit in order to **use long-term mobility of an employee of the managerial staff, specialist or trainee employee, under the intra-corporate transfer** including for granting subsequent permission, grounds to refuse to grant permissions listed in point 5 – 7 and 9.

In the proceedings for granting temporary residence permit **for a family member of Polish citizen – in the case of the foreigner being married to a Polish citizen** or temporary residence permit **in order to join the**

family – in the case of the foreigner being married to a foreigner (mentioned in section 4.6. 13., section I), grounds to refuse to grant permissions listed in point 6-9 shall not apply.

In the proceedings for granting temporary residence permit for **family member of Polish citizen** or temporary residence permit **in order to join the family** grounds to refuse to grant permissions mentioned in point 8 shall not apply, if the foreigner applies for subsequent permit.

In the proceedings for granting temporary residence permit for a family member of the citizen of the Republic of Poland – **the minor of the foreigner being married to Polish citizen** and holding temporary residence permit for a family member of Polish citizen of Poland or permanent residence permit granted in connection with being married to Polish citizen or in the proceedings on granting temporary residence permit for **the minor of the foreigner** who stays on the territory of the Republic of Poland **on the basis of the national visa or temporary residence permit**, if this child **was born throughout the term of validity** of this national visa or temporary residence permit, grounds to refuse to granting the permit, mentioned in point 9, if the sole cause to refuse would be illegal residence of this foreigner on the territory of the Republic of Poland.

To refuse granting temporary residence permit in order to join the family shall not apply grounds to refuse to grant permit, mentioned in point 9, in the case of **the family member of the foreigner who have been granted a refugee status or subsidiary protection and**, if family already existed in the country of origin of the foreigner and member of his/her family stayed on the territory of the Republic of Poland, on the day of submitting the application for international protection by this foreigner.

In the proceedings for granting temporary residence permit for **victims of human trafficking**, grounds to refuse to grant permissions listed in point 2, 3 and 6–9 shall not apply.

In the proceedings for granting temporary residence permit owing to the **circumstances requiring short-term residence**, grounds to refuse to grant permissions listed in point 2 and 6-9 shall not apply.

In the proceedings for granting temporary residence permit due to **seasonal work** grounds to refuse to grant permit mentioned in point 1 shall not apply in the scope concerning circumstances being the basis for applying for this permit which do not justify the residence of the foreigner on the territory of the Republic of Poland within the period longer than 3 months.

To refuse granting temporary residence permit for the foreigner due to **other circumstances**, there have to be grounds to refuse to grant permit, listed in:

- point 9 in the case of the permit for **minor born on the territory of the Republic of Poland, staying on this territory unattended** and permit for **the victim in the criminal proceedings being underway against an entity delegating work performance**;

- point 8 in the case of the permit for **the holder of the long-term resident's EU residence permit granted by other Member State of the European Union or permit for the member of his/her family**, if the foreigner applies for granting subsequent permit;

- point 6 and 7 in case of permit:

a) For **the holder of long-term resident's EU residence permit granted by other Member State of the European Union, or**

b) For **the member of his/her family** the holder of the long-term resident's EU residence permit granted by other Member State of the European Union, or

c) For the **graduate of a Polish higher education institution** seeking employment on the territory of the Republic of Poland or planning to start a business in that territory, or

d) For the foreigner who immediately before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of

conducting scientific research, **completed research or development work**, and is seeking employment in the Republic of Poland or plans to start business activity on this territory, or

e) For a citizen of the **United Kingdom of Great Britain** and Northern Ireland, referred to in art. 10 **(1)(b) and (d)** of the Withdrawal Agreement, **who until 31 December 2020 performed work on the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland, or

f) For a citizen of the Republic of Belarus, the holder of a national visa issued for humanitarian reasons, on grounds of state interest or because of international obligations

- point 2 and 3 and 6–9 in the case of permit granted to the foreigner:

a) Holding the right to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal EC L 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1), or

b) If his/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for **the right to family life, as defined by the Convention on protection of human rights** and fundamental freedoms, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally**, or

c) If his/her entry into the territory of the Republic of Poland breaches **the right of the child, defined in the Convention of the Right of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally**.

The foreigner who **has reached maturity during his/her stay** on the territory of the Republic of Poland and submitted an application for granting temporary residence permit due to **other circumstances, within 1 one year from the date when he/she has reached the maturity** it is not possible to refuse to grant such permit when it is justified by particularly important interest of the foreigner and **the sole basis for refusal would be illegal stay** on the territory of the Republic of Poland.

4.11 WITHDRAWAL OF THE TEMPORARY RESIDENCE PERMIT

Temporary residence permit may be withdrawn from the foreigner, if:

- 1) The purpose of residence ceased, which was the reason for granting temporary residence permit, or
- 2) He/she ceased to meet the requirements of granting temporary residence permit due to declared purpose of residence, or
- 3) Entry of the foreigner's data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired, is in force or
- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or obligations arising from provisions of ratified international contracts binding for the Republic of Poland, or
- 5) In the proceedings for granting temporary residence permit, the foreigner:
 - a) submitted the application containing untrue personal data or false information or attached documents containing such data or information, or

- b) testified untruthfully or concealed the truth or forged or reworked a document for use as authentic or used as authentic or
- b) testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or
- 6) He/she is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority, or
- 7) He/she failed to pay costs related to issuance and execution of the decision on obligation of the foreigner to return which were covered from the state budget or
- 8) Subject to the obligation of treatment on the basis of Article 40 (1) of the Act of 5 December 2008 on prevention and counteracting of infectious diseases in people, the foreigner does not express his/her consent to this treatment.

Temporary residence permit in order to **perform work under the intra-corporate transfer** and temporary residence permit in order to **use long-term mobility of an employee of the managerial staff, specialist or trainee employee, under the intra-corporate transfer cannot be withdrawn due to** reasons, mentioned in point 5 – 7.

Temporary residence permits for the purpose of performing **work in a profession requiring high qualifications**, temporary residence permits for the purpose of **long-term mobility of the EU Blue Card holder**, temporary residence permits for the purpose of **study**, temporary residence permit for **carrying out research** or temporary residence permit for **long-term mobility of the scientist**, temporary residence permit for an internship employee, and temporary residence permit for a **volunteer are not withdrawn** for reasons referred to in points 6 - 7

Temporary residence permit for a family member of the Polish citizen granted to the foreigner who is **married to a citizen of the Republic of Poland** or permit in order to join the family granted to the foreigner who is **married to a foreigner who has been granted permanent residence permit or long-term resident's EU residence permit** on the territory of the Republic of Poland **cannot be withdrawn due to** the reasons, mentioned in point 6-8.

Temporary residence permit granted to the foreigner:

- a) For the **long-term mobility of a family member of the scientist;**
- b) For **the graduate of a Polish higher education** institution seeking employment on the territory of the Republic of Poland or planning to start a business on that territory, or
- c) For the foreigner who immediately before submitting an application for granting this permit resided on the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of conducting scientific research, **completed research or development work**, and is looking for work in the Republic of Poland or plans to start business activity on this territory,

- **are not withdrawn** due to reasons mentioned in point 5-7.

Temporary residence permit for the **victim of human trafficking cannot be withdrawn due to** the reasons, mentioned in point 3 and 6-8.

Temporary residence permit for the **holder of the long-term resident's EU residence permit granted by other Member State of the European Union** or temporary residence permit **for the member of his/her family** cannot be withdrawn due to the reasons, mentioned in point 8.

Temporary residence permit granted to the foreigner:

a) due to the **circumstances requiring short-term residence**,

b) holding rights to perform work on the territory of the Republic of Poland under terms, mentioned in decision no. 1/80 of the Association Council of the Republic of Turkey and EEC of 19 September 1980 on development of the Association, the Council was established on the basis of the System establishing association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (Official Journal EC L 217 of 29.12.1964, p. 3685; Official Journal EU Polish special edition, Chapter 11, vol. 11 p. 1);

c) if his/her stay on the territory of the Republic of Poland is necessary due to the necessity of respect for **the right to family life, as defined by the Convention on protection of human rights** and fundamental freedoms, drawn up in Rome on 4 November 1950, and the foreigner stays on the territory of the Republic of Poland **illegally** or

d) if his/her exit from the territory of the Republic of Poland breaches **the right of the child, defined in the Convention of the Right of the Child**, adopted by the General Assembly of United Nations on 20 November 1989 (Journal of Laws of 1991 No. 120, item 526, of 2000 no. 2, item 11 and of 2013 item 677), **to a substantial degree posing a threat to psycho-physical development and the foreigner stays on the territory of the Republic of Poland illegally.**

- cannot be withdrawn due to the reasons, mentioned in point 2, 3 and 6-8.

A temporary residence permit granted to a citizen of the **United Kingdom of Great Britain** and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, who **until 31 December 2020 performed work in the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland - shall not be withdrawn for the reasons referred to in points 1 and 6-7. This permit is also subject to revocation in a situation when the circumstances which were the basis for applying for this permit do not justify his or her stay on the territory of the Republic of Poland for a period longer than 3 months or when his or her data are in the Schengen Information System for the purpose of refusing entry and stay.

NOTE: On the day on which **the decision to oblige a foreigner to return** becomes final, **the temporary residence permit expires by operation of law.**

Permanent residence permit is granted to the foreigner who:

- 1) Is a **child of the foreigner** who has granted permanent residence permit or long-term resident's EU residence permit who is under parental responsibility:
 - (a) Is born after granting permanent residence permit or long-term resident's EU residence permit to this foreigner, or
 - b) Is born throughout the term of validity of temporary residence permit granted to the foreigner within the residence of this foreigner on the territory of the Republic of Poland on the basis of residence permit for humanitarian reasons or permit for tolerated stay or in connection with granting a refugee status or granting subsidiary protection, or
- 2) Is a **child of a Polish citizen** who is under parental responsibility, or
- 3) Is a **person having Polish origin** and intends to settle on the territory of the Republic of Poland or
- 4) Remains in **marriage** to Polish citizen, recognized by the law of the Republic of Poland and remained in this marriage for at least **3 years** before the date on which the application for granting permanent residence permit was submitted and immediately before submission of this application stayed on the territory of the Republic of Poland within the period not shorter than **2 years**, on the basis of temporary residence permit granted in connection with being married to the Polish citizen or as a result of obtaining a refugee status, supplementing protection or permit for residence for humanitarian reasons, or
- 5) Is a **victim of human trafficking** as defined by the Article 115 § 22 of the Penal Code and:
 - (a) Stayed on the territory of the Republic of Poland directly prior to submission of the application for granting permanent residence permit for the period not shorter than 1 year on the basis of temporary residence permit for victims of human trafficking,
 - b) Cooperated with prosecution agencies in the criminal proceedings in the case concerning crime, mentioned in the Article 189a § 1 of the Penal Code,
 - c) Has reasonable concerns before the return to the country of origin, or
- 6) Directly prior to the submission of the application for granting permanent residence permit stayed on the territory of the Republic of Poland within **the period not shorter than 5 years** in connection with granting a **refugee status**, granting **subsidiary protection** or on the basis of **permit for residence for humanitarian reasons**, or
- 7) Directly prior to the submission of the application for granting permanent residence permit stayed on the territory of the Republic of Poland within the period not shorter than **10 years** on the basis of **permit for tolerated stay** granted on the basis of Article 351(1) or (3) of the Act on foreigners, or
- 8) Was granted **asylum** on the territory of the Republic of Poland, or
- 9) Holds **valid Pole's Card** and intends to settle on the territory of the Republic of Poland, or
- 10) is a citizen of the **United Kingdom of Great Britain** and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, **who until 31 December 2020 performed work in the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland and jointly meets the following conditions:
 - a) has been staying on the territory of the Republic of Poland legally and continuously for at least 5 years immediately prior to submitting the application, including on the basis of a temporary residence permit referred to in Article 186(1)(8) of the Act on Foreigners (see Chapter IV, 4.6.17(l)(8)),

b) has a stable and regular source of income sufficient to cover his or her living expenses and those of dependent family members,

c) has health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds or a confirmation that the costs of treatment on the territory of the Republic of Poland are covered by an insurer.

In order to **determine Polish origin** of the person, the provisions of Article 5(1) and accordingly regulations of Article 6(1) and (2) of the Act of 9 November 2000 on repatriation (uniform text O. J. of 2022 item 1105 as amended).

In the proceedings on granting permanent residence permit for the foreigner being a spouse of Polish citizen, the authority which conducts proceedings **determines whether the marriage was concluded or exists in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and exit.**

In order to determine whether the marriage was concluded or exists in order to bypass the above mentioned principles and conditions, the authority which conducts this proceedings **submits the application to the commanding officer of the Border Guard** or the commanding officer Border Guard institutions, competent with regard to the place of residence of the foreigner **to conduct control activities**, mentioned in Article 11(1) of the Act on foreigners (community interview, determination of the place of residence of the spouse or another member of the family of the foreigner as well as persons with whom the foreigner is related).

When conducting these determinations and control activities the provision of Article 79 of the Administrative Procedure Code shall be excluded (e.g. the foreigner does not need to be notified on the place and time of the control activities).

The amount of monthly income referred to in point 10 should be higher than the amount of income entitling him or her to cash benefits from social assistance as defined in the Act of 12 March 2004 on social assistance with regard to the foreigner and each dependent family member (see Chapter IV, section 4.5).

The requirement to have a source of stable and regular income in the case referred to in point 10 is also deemed to be fulfilled if the foreigner's subsistence costs will be covered by a family member obliged to support the foreigner and residing on the territory of the Republic of Poland.

5.1 AUTHORITY ISSUING THE PERMIT

The decision on granting permanent residence permit is issued **by the voivode** competent with regard to the place of residence of the foreigner. The application for granting permanent residence permit is submitted on the form.

5.2 UNINTERRUPTED STAY REQUIREMENT - JUSTIFIED BREAKS IN STAY

Stay on the territory of the Republic of Poland is deemed to be **continuous**, if none of interruptions last **longer than 6 months** and **all interruptions do not exceed together 10 months**, unless the interruption is caused by:

- 1) Performance of professional duties or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland or
- 2) The foreigner is accompanied, mentioned in section 1, by his/her spouse or the minor or

- 3) Particular personal situation requiring presence of the foreigner outside the territory of the Republic of Poland and lasted not longer than 6 months or
- 4) Trip outside the territory of the Republic of Poland to undertake internships or participate in classes planned in the course of the studies at Polish university.

For the purpose of determining whether a foreigner referred to in Chapter V, point 10, i.e. a citizen of the **United Kingdom of Great Britain** and Northern Ireland referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement **who, until 31 December 2020 performed work in the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland, remains uninterruptedly in the territory of the Republic of Poland, the provisions of Article 47 of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members shall apply:

The residence on the territory of the Republic of Poland shall be regarded as continuous where interruptions in it **do not exceed a total of 6 months per year**.

Residence in the territory of the Republic of Poland shall not be interrupted by leaving that territory for a longer period on account of:

1. to perform compulsory military service or
2. serious personal circumstances, in particular pregnancy, childbirth, illness, studies, vocational training, secondment, which necessitate a stay outside the territory, provided that the period is not longer than 12 consecutive months.

The stay on the territory of the Republic of Poland is also interrupted by the execution of a decision on expulsion and by serving a sentence of imprisonment.

5.3 DOCUMENTS

A foreigner is obliged to:

- present important **travel document**. In particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document, may present **different document confirming his/her identity**.
- submit a **completed application form** and attach to the application:

- **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.

The photographs should show the person without any headgear or dark glasses.

A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.

A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.

In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.

Note – lack of any of the above mentioned documents constitutes formal lack in the application which, in the case of failure to supplement, after calling by the voivode who conducts the case, results in leaving the application without consideration

- documents necessary to confirm the data contained in the application and circumstances justifying the application for granting permanent residence permit;
- **confirmation of** payment of stamp duty;

5.4 ADDITIONAL REQUIREMENTS CONCERNING THE APPLICATION

The foreigner should submit the application for granting permanent residence permit **in person**, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland.

If the application for granting the permit is not submitted by the foreigner in person (e.g. was sent by post), **the voivode is able to call him/her to appear personally**, within not less than 7 days under pain of leaving the application without examination.

In the case of a foreigner who is:

- 1) **Minor** – the application for granting permanent residence permit is submitted by the parents or appointed court guardians or one of the parents or one of appointed court guardians;
- 2) **Person who is completely placed under guardianship** – the application for granting permanent residence permit is submitted by the guardian appointed by the court;
- 3) **Unattended minor** – the application for granting permanent residence permit is submitted by the probation officer.

When submitting the application for granting the permit for the foreigner being minor who **until the day of submission of the application is over 6 years old his/her presence is required**.

The requirement to submit the application for granting permanent residence permit, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland shall not apply to the minor born on the territory of the Republic of Poland who was granted permanent residence permit or long-term resident's EU residence permit and towards for the child of Polish citizen who remains under parental responsibility of this citizen.

When **submitting the application** for granting permanent residence permit, the foreigner is to give **fingerprints in order to issue residence card**. In the event if, for reasons depending on the voivode **it is not possible to collect fingerprints** from the foreigner on the day when his/her personal appearance took place, the voivode appoints the term for their collection, **not shorter than 7 days**.

This obligation **does not apply to foreigners**:

- **who on the day of submitting the application are not over 6 years old, or**
- from whom the collection of fingerprints **is physically impossible**.

If the foreigner fails to give fingerprints in order to issue residence card, when submitting the application for granting permanent residence permit or within the time fixed by the voivode, the initiation of proceedings for granting this permit is refused.

Data in the form of fingerprints collected in order to issue residence card **are kept in the relevant register until entering into this register the confirmations of receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to grant permanent residence permit or decision on refusal to issue or replace residence card, data in the form of fingerprints are kept in the above mentioned register, **until entering information on issuance of these decisions in the register**, if these decisions are final and binding.

If the foreigner submitted the application during residence on the territory of the Republic of Poland, consistent with the law, and the application does not include formal shortages or formal shortages were supplemented within the time, the voivode **stamps** the foreigner's travel document confirming submission of the application for granting permanent residence permit. If the term to submit the application is met and the application does not include formal shortages or formal shortages were supplemented on time **the residence of the foreigner is deemed to be legal from the date of submitting the application until the date when the decision in this case becomes final.**

If **the proceedings** on granting permanent residence permit is **suspended at the request of the foreigner** his/her **residence** at that time **is not** considered to be **legal**.

NOTE: Placement of the stamp in the travel document does not entitle the foreigner to travel through the territory of other countries of Schengen area, while the foreigner may travel to the country of origin.

5.5 OTHER IMPORTANT INFORMATION

In the proceedings for granting or withdrawing permanent residence permit **the foreigner is the party to the proceedings.**

The decision on granting a foreigner a **permanent residence permit** is issued **within 6 months**. Chapter II, section 2.4).

5.6 LEAVING THE APPLICATION WITHOUT CONSIDERATION

The application for granting permanent residence permit is left without consideration, if the application:

- **Contains formal shortages which were not completed by the foreigner despite the calls to do this within not less than 7 days, for which shall be deemed, for instance:**
 - failure to submit the application on the appropriate form;
 - failure to fill in all required columns in the application form;
 - failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
 - failure to apply 4 current and relevant photographs;
- The application **was not submitted by the foreigner in person**, if it was required by the regulations and despite the calls to show up in person within not less than 7 days, the foreigner failed to show in the office.

5.7 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING PERMANENT RESIDENCY PERMIT

Initiation of the proceedings to grant permanent residence permit is refused, if on the day of submitting the application for granting this permit the foreigner:

- 1) Stays on the territory of the Republic of Poland:
 - a) illegally, or
 - b) on the basis of Schengen visa authorizing only to entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive for humanitarian reasons, state interest or international liabilities, or
 - c) on the basis of temporary residence permit owing to the circumstances requiring short-term residence, or
 - d) on the basis of long-term resident's EU residence permit, or
- 2) Is detained, placed in guarded centre or jail for foreigners or preventive measure are used against him/her in the form of a ban on leaving the country, or
- 3) Is imprisoned or is under temporary arrest, or
- 4) Stays on the territory of the Republic of Poland after he/she was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period, or
- 5) Is obliged to leave the territory of the Republic of Poland in the event of discontinuation of the proceedings for granting a residence permit refusal or withdrawal of a residence permit or in the event of refusal to grant or withdrawal of international protection or discontinuance of the proceedings, or
- 6) Stays outside of the Republic of Poland.

Apart from the above mentioned cases, the initiation of the proceedings for granting permanent residence permit is withdrawn from the foreigner when during the submission of the application for granting this permit or in additional term indicated by the voivode, **failed to give fingerprints in order to issue the residence card**.

Sections 1-5 shall not apply to the foreigner who is granted asylum in the Republic of Poland.

Section 1 (a) shall not apply to the minor of the foreigner born on the territory of the Republic of Poland who was granted permanent residence permit or long-term resident's residence of the European Union and to child of Polish citizen who is under parental responsibility of this citizen.

Section 1 (c) shall not apply to the foreigners of Polish origin and to those who intend to settle on the territory of the Republic of Poland.

5.8 REFUSAL TO GRANT PERMAMENT RESIDENCE PERMIT

The foreigner is refused permanent residence permit, if:

- 1) Fails to meet requirements for granting permanent residence permit or
- 2) The entry of his/her data to the list of foreigners whose residence on the territory of the Republic of Poland is undesired is in force or
- 3) His/her data can be found in Schengen Information System to refuse the entry and stay, or
- 4) It is required by considerations of defence or safety of the state or protection of safety and public order or

5) It is required by interest of the Republic of Poland or

6) The basis to apply for the permit is entering by him/her in marriage with the citizen of Poland and marriage was concluded or exists in order to bypass regulations determining principles and conditions of arrival of the foreigner on the territory of the Republic of Poland, their passage across this territory, residence and leave or

7) In the proceedings for granting such permit, the foreigner:

a) Submitted the application for granting the permit containing untrue personal data or false information or attached documents containing such data or information, or

b) He/she testified untrue information or concealed the truth, replicated or processed document in order to use it as authentic or such document was used as authentic, or

8) He/she is in arrears with the payment of taxes, except for cases when obtained legal exemption, deferment, distribution into instalments of outstanding payments in withholding in full the execution of a decision issued by a competent authority or

9) He/she failed to pay costs related to issuance and execution of the decision on the obligation of the foreigner to return which, were covered from the state budget.

If the foreigner's data can be found in **Schengen Information System to refuse the entry and stay**, permanent residence permit may be granted taking into account the reasons underlying the decision of the Schengen state that entered the entry into the Schengen Information System and taking into account the threats referred to in Article 27(d) of Regulation No. 2018/1861 that may be caused by the presence of a given foreigner on the territory of the Schengen states.

Granting permanent residence permit to the foreigner of Polish origin who intends to settle on the territory of the Republic of Poland is refused in the case, mentioned in points 1, 4 or 7.

A permanent residence permit, referred to in Chapter V, point 10, granted to a citizen of the **United Kingdom of Great Britain and Northern Ireland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, who until 31 December 2020 performed work in the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland, shall be refused in the cases referred to in points 1-4 and 7.

5.9 WITHDRAWAL OF THE PERMAMENT RESIDENCE PERMIT

Permanent residence permit is withdrawn from the foreigner, if:

1) It is required by considerations of defence or safety of the state or protection of safety and public order or

2) It is required by interest of the Republic of Poland or

3) In the proceedings for granting such permit, the foreigner:

a) Submitted the application for granting the permit containing untrue personal data or false information or attached documents containing such data or information, or

4) He/she was sentenced by final court decision in the Republic of Poland for a wilful offence to at least 3 years of imprisonment or

5) He/she left the territory of the Republic of Poland for the period exceeding 6 years.

Permanent residence permit granted to the foreigner of Polish origin who intends to settle on the territory of the Republic of Poland is withdrawn in the cases, mentioned in section 1, 3 or 5;

Permanent residence permit granted to the foreigner who is granted asylum shall be withdrawn if the foreigner is deprived of asylum in the Republic of Poland.

Permanent residence permit which was granted on the basis of marriage with Polish citizen, **may be withdrawn**, if the foreigner **divorced within 2 years from the day he/she was granted permanent residence permit**.

The permanent residence permit referred to in Chapter V point 10, granted to a citizen of the **United Kingdom of Great Britain and Northern Ireland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, who until 31 December 2020 performed work on the territory of the Republic of Poland as an employee posted** by a foreign employer in the territory of the Republic of Poland, shall be withdrawn in the cases referred to in points 1, 3, 4 or 5.

5.10 PERIOD FOR WHICH PERMANENT RESIDENCY PERMIT IS GRANTED

Permanent residence permit is granted for **indefinite time**.

The document which confirm the obtaining of permanent residence permit is **residence card issued for 10 years**.

Permanent residence permit shall expire by the law, if the foreigner obtains long-term resident's EU residence permit or Polish citizenship.

Long-term resident's EU residence permit is granted to the foreigner, if he/she stays on the territory of the Republic of Poland **legally and continuously for at least 5 years**, directly before submitting the application and meets the following conditions:

- 1) Has the **source of stable and regular source of income** which is adequate to cover the subsistence costs for himself and dependent family members;
- 2) Holds **health insurance**, as defined by the provisions of Act of 27 August 2004 on health care services financed from the public funds or confirmation of insurer's coverage of medical treatment costs on the territory of the Republic of Poland;
- 3) Has confirmed **command of Polish**.

When examining whether the foreigner meets the requirement, mentioned in section 1, the authority will assess the foreigner's income in the last 3 years prior to submission of the application and in the case of foreigners who have temporary residence permit in order to perform work requiring high qualifications or a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder – last 2 years of residence in Poland, if previously permanently resided in other EU member on the basis of the "EU Blue Card", issued in connection with granting residence permit in order to perform work requiring high qualifications..

Command of Polish language is confirmed by one of the following documents:

- 1) a certificate of proficiency in Polish at a level of at least B1, as specified in the regulations issued on the basis of Article 211(5) of the Act on Foreigners (see Regulation of the Minister of Internal Affairs and Administration of 31 May 2023 on the list of certificates of knowledge of the Polish language confirming the knowledge of that language required to grant a long-term resident's European Union residence permit (Journal of Laws of 2023, item 1076));
- 2) a certificate of completion of school in the Republic of Poland within the meaning of Article 2(2) of the Act of 14 December 2016 - Education Law (Journal of Laws of 2025, item 1043, as amended) with Polish as the language of instruction, excluding a certificate of completion of post-secondary education referred to in Article 18(1)(2)(f) of that Act, or a diploma of completion of studies in the Republic of Poland with Polish as the language of instruction;
- 3) a certificate of completion of a school with Polish as the language of instruction abroad, corresponding to a school within the meaning of Article 2(2) of The Act of 14 December 2016 - Education Law, excluding the post-secondary school referred to in Article 18(1)(2)(f) of this Act, or a diploma of completion of studies with Polish as the language of instruction at a university abroad, corresponding to a university within the meaning of the Act of 20 July 2018 - Law on Higher Education and Science.

The requirement of the command of Polish language shall not apply to minor foreigner's child who until the submission of the application for granting long-term resident's EU residence permit resident is not over 16 years of age.

6.1 AUTHORITY ISSUING THE DECISION

The decision on granting long-term resident's EU residence permit is issued by **the voivode** competent with regard to the place of the foreigner's current stay. The application for granting long-term resident's EU residence permit is submitted on the form.

6.2 DOCUMENTS

A foreigner is obliged to:

- present important **travel document**. In particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document, may present other document confirming his/her identity.
- submit a **completed application form** and attach to the application:
 - **4 photographs** that are undamaged, colour, of good sharpness, size: 35 mm × 45 mm, taken not earlier than 6 months before the day of filing the application, presenting the image of the face of the foreigner from the top of the head to the upper part of the shoulders, with the face occupying 70-80% of photograph, against a uniform bright background, in a frontal position, looking straight ahead with the eyes open, uncovered hair, with natural facial expression and mouth closed, reflecting the natural colour of the person's skin, clearly depicting the eyes of the foreigner, especially eye pupils, with the foreigner's eye line parallel to the top edge of the photograph.
The photographs should show the person without any headgear or dark glasses.
A foreigner with congenital or acquired vision defects can attach to the application photographs showing him or her in dark glasses. In such a case, the application shall also be accompanied by documents confirming the disability or, if it is impossible to present them, the foreigner's statement about the disability.
A foreigner wearing a headgear according to the rules of his/her religion can attach photographs showing him or her in the headgear, provided that the face is fully visible. In such a case, the application shall also be accompanied by the foreigner's statement about membership of a religious community.
In justified cases, the application can be accompanied by photographs depicting the foreigner with eyes closed, other than a natural facial expression or with the mouth open.
 - **legal title to occupy housing premise** in which the foreigner stays or intends to stay. **The legal title** to occupy the housing premise in which the foreigner stays or intends to stay, **shall not be regarded as the contract of lending for use**, unless the party lending the property for use is the foreigner's descendant, ancestor, spouse, spouse's parents or his/her or her brother or sister.

Note – lack of any of the above mentioned documents constitutes formal lack in the application which, in the case of failure to supplement, after calling by the voivode conducting the case, results in leaving the application without examination

- **documents necessary to confirm data contained in the application** and circumstances justifying the application for granting long-term resident's EU residence permit;
- documents confirming **health insurance** as defined by the provisions of the Act of 27 August 2004 on health care services financed from the public funds or confirmation of insurer's coverage of medical treatment costs on the territory of the Republic of Poland,
- **documents confirming stable and regular source of income which is adequate to cover the subsistence costs for himself and dependent family members**. The amount of monthly income should be greater than the amount of income entitling cash benefits from Social Security, mentioned in the Act of 12 March 2004 on social assistance (Journal of Laws of 2025, item 1214 as amended) with respect to the foreigner and each family member dependent on him/her (for a person who keeps a single household – in the amount higher than PLN 1010, for the person in the family – in the amount higher than PLN 823),
- documents confirming **command of Polish language**,
- **confirmation of payment** stamp duty.

6.3 ADDITIONAL REQUIREMENTS RELATED TO APPLICATION

The foreigner should submit the application for granting long-term resident's EU residence permit **in person**, not later than **on the last business day of his/her legal residence** on the territory of the Republic of Poland. If the application for granting the permit is not submitted by the foreigner in person, **the voivode calls him/her to appear personally**, within not less than 7 days under pain of leaving the application without examination.

In the case of a foreigner who is:

- 1) **minor** – the application for granting the permit is submitted by the parents or appointed court guardians or one of the parents or one of appointed court guardians;
- 2) **person who is completely placed under guardianship** – the application for granting the permit is submitted by the guardian appointed by the court;
- 3) **unattended minor** – the application for granting the permit is submitted by the probation officer.

When submitting the application for granting the permit for the foreigner being minor who **until them day of submission of the application is over 6 years old his/her presence is required**.

When submitting the application for granting long-term resident's EU residence permit the foreigner is to give fingerprints in order to issue residence card. In the case when, for reasons depending on the voivode **it is not possible to collect fingerprints** from the foreigner on the day, where his/her personal appearance took place, the voivode appoints the term for their submission, **not shorter than 7 days**.

This obligation **does not apply to foreigners:**

- **who on the day of submitting the application are not over 6 years or**
- **from whom the collection of fingerprints is physically impossible.**

If the foreigner fails to give fingerprints in order to issue residence card, when submitting the application for granting long-term resident's EU residence permit or within the time fixed by the voivode, the initiation of the proceedings for granting this permit is refused.

Data in the form of fingerprints collected in order to issue residence card **are kept in the relevant register until entering into this register the confirmations of receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to grant long-term resident's EU residence permit or decision on refusal to issue or replace residence card, data in the form of fingerprints are kept in the above mentioned register, **until entering information on issuance of these decisions in the register**, if these decisions are final and binding.

If the foreigner submitted the application during residence on the territory of the Republic of Poland, consistent with the law and the application does not include formal shortages or formal shortages were supplemented within the time, the voivode **stamps** the foreigner's travel document confirming submission of the application for granting long-term resident's EU residence permit. If the term to submit the application is met and the application does not include formal shortages or formal shortages were supplemented within the time **the residence of the foreigner shall be deemed to be legal from the date of submitting the application until the date when the decision in this case becomes final.**

If **the proceedings** on granting long-term resident's EU residence permit is **suspended at the request of the foreigner**, his/her **residence** at that time is **not** recognized to be **legal**.

NOTE: Placement of the stamp in the travel document does not entitle the foreigner to travel through the territory of other countries of Schengen area, while the foreigner may travel to the country of origin.

6.4 OTHER IMPORTANT INFORMATION

In the proceedings on granting or withdrawing long-term resident's EU residence permit, **the foreigner is the sole party to the proceedings.**

The decision to grant a foreigner a **residence permit for a long-term EU resident is issued within 6 months** (see Chapter II, item 2.4).

6.5 LEAVING THE APPLICATION WITHOUT CONSIDERATION

The application for granting long-term resident's EU residence permit is left without consideration, if the application:

- **Contains formal shortages which were not completed by the foreigner despite the calls to do this within not less than 7 days, for which shall be deemed, for instance:**
 - the application is not submitted on the appropriate form;
 - failure to fill in all required columns in the application form;
 - failure to present valid travel document or in particularly justified case, if the foreigner does not have a valid travel document and it is not possible to obtain such document or other document confirming his/her identity;
 - failure to attach to the application:
 - a. 4 up-to-date and relevant photographs;
 - b. legal title to the occupied housing premise.
- 2. The application is not submitted by the foreigner in person despite the call to show up in person within 7 days, the foreigner failed to show in the office.

6.6 REFUSAL TO INITIATE THE PROCEDURE FOR GRANTING RESIDENCE PERMIT TO LONG-TERM EU RESIDENT

Initiation of the proceedings on granting long-term resident's EU residence permit is refused, if on the day of submitting the application for granting this permit, the foreigner:

1) Stays on the territory of the Republic of Poland:

a) illegally, or

b) on the basis of Schengen visa authorizing only the entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive due to humanitarian reasons, state's interest or international liabilities or

c) to study or complete vocational training or

d) in connection with the intention to undertake or continue education on the territory of the Republic of Poland, or

e) in connection with obtaining residence permit for humanitarian reasons, permit for tolerated stay, asylum or temporary protection, or

f) in connection with applying for granting international protection or asylum, or

g) on the basis of temporary residence permit to perform work under the intra-corporate transfer or temporary residence permit in order to use long-term mobility of managerial staff, specialist or trainee employee, as part of an intra-corporate transfer or temporary residence permit owing to the circumstances requiring short-term residence, or

h) on the basis of permit for crossing border under little cross-border traffic, or

2) Is the employee delegated by the service provider in order to cross-border provision of services or service provider performing cross-border services, or

3) Is detained, placed in guarded centre for foreigners or is under against him/her used preventive measure in the form of ban to leave the country, or

4) Is imprisoned or is under temporary arrest, or

5) Stays on the territory of the Republic of Poland after he/she was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period or

6) Is obliged to leave the territory of the Republic of Poland for instance, in the case to refuse to grant or withdraw the residence permit or in the case of refusal to grant or withdraw the international protection or

7) Stays outside the borders of the Republic of Poland.

Apart from the above mentioned cases, the initiation of the proceedings for granting long-term resident's EU residence permit is refused, if when submitting the application for granting this permit or in additional term indicated by the voivode, the foreigner **failed to submit fingerprints in order to issue the residence card**.

6.7 REQUIREMENT FOR A 5-YEAR LEGAL AND UNINTERRUPTED STAY

5-year residence on the territory of the Republic of Poland **includes**:

1) Total period of legal residence on the territory of the European Union, if the foreigner stayed legally and continuously on this territory for at least 5 years, on the basis of residence document, issued by the Member State of the European Union, with "Blue EU Card" annotation, including on the territory of the Republic of Poland - for at least 2 years directly prior to submission of the application for granting long-term resident's EU residence permit on the basis of temporary residence permit in order to perform work requiring high qualifications or a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder;

1a) the total period of legal residence in the territory of the European Union, if the foreigner has resided legally and continuously in that territory for at least 5 years on the basis of a long-term visa, with the annotation 'researcher', or a residence permit referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'researcher', issued by a Member State of the European Union, including on the territory of the Republic of Poland - for at least 2 years immediately prior to submitting an application for a long-term EU resident's residence permit on the basis of a temporary residence permit for the purpose of performing work in a highly qualified profession or a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder;

1b) the total period of legal residence in the territory of the European Union, if the foreigner has resided legally and continuously in that territory for at least 5 years on the basis of international protection granted by a Member State of the European Union, including the territory of the Republic of Poland - for at least 2 years immediately prior to submitting an application for a long-term EU resident's residence permit on the basis of a temporary residence permit for the purpose of performing work in a highly qualified profession or a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder;

1c) the total period of legal residence in the European Union on the basis of a residence permit issued by another Member State of the European Union on the basis of the provisions in force in that State on the admission of highly qualified workers, which are not intended to implement Directive (EU) 2021/1883 of the European Parliament and of the Council (EU) 2021/1883 of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment and repealing Council Directive 2009/50/EC - for at least 2 years immediately prior to submitting an application for an EU long-term resident's residence permit on the basis of a temporary residence permit for the purpose of highly qualified employment or a temporary residence permit for the purpose of long-term mobility of an EU Blue Card holder;

2) The whole period of residence on the territory of the Republic of Poland in the course of proceedings for granting a refugee status, if exceeded 18 months;

3) Half of the period of residence on the territory of the Republic of Poland – in the case of a foreigner residing on the territory of the Republic of Poland:

a) on the basis of a visa issued in order to study or complete vocational training or

b) on the basis of temporary residence permit in order to study or complete vocational training or

c) in the course of proceedings for granting international protection;

4) half of the period of residence in the territory of the Member States of the European Union on the basis of a long-term visa, with the annotation 'student', or a residence permit referred to in Article 1(2)(a) of Regulation No 1030/2002, with the annotation 'student', issued by another Member State of the European Union, if, immediately prior to submitting an application for a long-term EU resident's residence permit, the foreigner resided in the territory of the Republic of Poland for at least 2 years on the basis of a temporary residence permit for the purpose of performing work in a profession requiring high qualifications or a temporary residence permit for the purpose of long-term mobility of the holder of a Blue Card EU Blue Card.

5-year residence on the territory of the Republic of Poland **does not include** residence of the foreigner:

1) Being a worker delegated by the service provider in order to cross-border provision of services or being the service provider performing cross-border services;

2) Residing on the territory of the Republic of Poland on the basis of Schengen visa authorizing only to entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive for humanitarian reasons, state's interest or international liabilities, or

3) During the period of his/her education on the territory of the Republic of Poland;

4) Who was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period;

5) Who is obliged to leave the territory of the Republic of Poland for instance, in the case of refuse to grant or withdraw the residence permit or in the case of refuse to grant or withdraw the international protection, or

6) Who is a member of diplomatic mission or consular office of another state or other equivalent person on the basis of acts, international agreements or commonly agreed international customs;

7) On the basis of temporary residence permit to perform work under the intra-corporate transfer of managerial staff, specialist or trainee employee, as part of an intra-corporate transfer or temporary residence permit in order to use long-term mobility or temporary residence permit owing to the circumstances requiring short-term residence;

8) In the course of proceedings concerning granting international protection, in this proceeding ended in refuse to grant a refugee status or subsidiary protection;

9) On the basis of permit for crossing border under little cross-border traffic.

6.8 UNINTERRUPTED STAY REQUIREMENT - JUSTIFIED INTERRUPTIONS IN STAY

The residence of the foreigner constituting the basis for granting long-term resident's EU residence permit is deemed **uninterrupted**, if none of interruptions last:

- 1) Not longer than **6 months** and all interruptions do not exceed together **10 months** in the case of the residence on the territory of the Republic of Poland;
- 2) Not longer than **12 months** and all interruptions do not exceed together **18 months** in the case of the residence of the foreigner on the territory of a Member State of the European Union holding temporary residence permit in order to perform work requiring high qualifications or a temporary residence permit for the purpose of long-term mobility of the EU Blue Card holder.

The above mentioned regulations to the extent to which stipulate maximum permissible periods of interruptions in the residence of the foreigner on the territory of the Republic of Poland **shall not be applied**, if the interruption was caused by:

- 1) **Performance of professional duties** or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland, or
- 2) The foreigner is accompanied, mentioned in section 1, by his/her **spouse or minor**, or
- 3) **Particular personal situation** requiring the presence of the foreigner outside the territory of the Republic of Poland and lasted not longer than **6 months** or
- 4) Trip outside the territory of the Republic of Poland in order to **undertake internships** or **participate in classes**, planned in the course of the studies at Polish university.

6.9 REFUSAL TO GRANT RESIDENCE PERMIT TO LONG-TERM EU RESIDENT

The foreigner is refused long-term resident's EU residence permit, if the foreigner:

1. Fails to meet the requirements to grant the concerned permit;
2. It is required by **reasons of defence or safety** of the state or protection of safety and public order.

If the foreigner's data is in the Schengen Information System for the purposes of refusing entry and stay, when assessing the circumstances referred to in point 2 above, the reasons underlying the decision of the Schengen area country that made the entry in the Schengen Information System should be taken into account, and take into account the risks referred to in Article 27(d) of Regulation No 2018/1861 that may be caused by the presence of the foreigner in question on the territory of the Schengen area countries.

6.10 WITHDRAWAL OF RESIDENCE PERMIT GRANTED TO LONG-TERM EU RESIDENT

Long-term resident's EU residence permit is withdrawn from the foreigner, if:

1. **Obtaining** long-term resident's EU residence permit **took place in a manner inconsistent with the law** ;

2. He/she represents actual and serious **hazard** to defence or safety of the state or safety and public order;
3. **He/she left the territory of the Republic of Poland** for the period exceeding **6 years**;
4. **He/she left the territory of the European Union** for consecutive periods of:
 - a. **12 months or**
 - b. **24 months**, if he/she has temporary residence permit in order to perform work in profession requiring high qualifications or is a member of the family of the foreigner who had such permit;
5. **Obtained, on the territory of other member-state of the European Union long-term resident's EU residence permit**;
6. Was **deprived of a refugee status or subsidiary protection**, if long-term resident's EU residence permit was granted in connection with the residence on this territory on the basis of a refugee status or subsidiary protection.

In the proceedings on withdrawing long-term resident's EU residence permit from the foreigner due to the threat to defence or safety of the state or safety and public order, the following is considered:

- 1) The period of the foreigner's residence on the territory of the Republic of Poland;
- 2) The foreigner's age;
- 3) The foreigner's relations with the Republic of Poland or lack of relations with the state of origin;
- 4) Effects of withdrawal of the permit for the foreigner and his/her family.

6.11 PERIOD FOR WHICH RESIDENCE PERMIT IS GRANTED TO THE LONG-TERM EU RESIDENT

Long-term resident's EU residence permit is granted for **indefinite period**.

The document which confirms obtaining long-term resident's EU residence permit is **residence card issued for 5 years**.

On the day when the foreigner obtains long-term resident's EU residence permit, permanent residence permit shall expire by law.

Long-term resident's EU residence permit shall expire by virtue of law when the foreigner obtains Polish citizenship.

7.1 GENERAL INFORMATION

The foreigner who obtained:

- temporary residence permit
 - permanent residence permit
 - long-term resident's EU residence permit
- residence card is issued.

Residence card, within its validity period, confirms the foreigner's identity when he/she is present on the territory of the Republic of Poland and entitles, along with travel document, to multiple cross the border of Poland without the need to obtain a visa.

In the case of lack of **the registration** for temporary residence lasting more than 2 months, the residence card will lack data on the address.

The voivode **collects fingerprints** from the foreigner submitting the application for:

- 1) Issuing the first or subsequent residence card, or
- 2) Replacement of residence card.

In the case when, for reasons depending on the voivode, it is not possible to collect fingerprints from the foreigner on the day when his/her personal appearance took place, the authority appoints the term for their submission, not shorter than 7 days.

If during the submission of the application for issuing or replacing residence card or in additional time indicated by the voivode, the foreigner **failed to submit fingerprints** in order to issue or replace residence card **the initiation of the proceedings** on issuing the residence card or its replacing shall be withdrawn.

Fingerprints are collected only to place them in the residence card.

Data in the form of fingerprints collected in order to issue the residence card **are kept in relevant registers until entering them to registers confirming the receipt of the residence card by the entity issuing the residence card.**

In the case of issuing **the decision on refusal** to issue or replace the residence card, data in the form of fingerprints are kept in the above mentioned registers, **until entering information on issuance of these decisions to the registers**, if these decisions became final and binding.

The foreigner is obliged to collect **in person** the residence card and in the case of the minor child who is not over 13 years to the day of receipt of the residence card – statutory representative or probation officer collects the residence card. The foreigner who collects the residence card is provided with electronic reader to check whether his/her personal data placed in the card are consistent with the actual state.

In the case when **the residence card** was issued to an unauthorized person, the authority issuing this document **states, by way of decision, its invalidity.**

The residence card is subject to **cancellation** on the terms provided in Article 250 and 251 of the Act on foreigners, e.g. in the case if the **foreigner obtains Polish citizenship** – as of the end of the term to return the card, its **loss or damage** – as of the date of notification on the loss or damage to the competent authority or **if the foreigner fails to return the card** when the decision on observing invalidity of the

residence card, decision on withdrawal of the residence permit was issued in connection with which the card was issued or in the case of expiration by the law of the decision on granting the residence permit – as of the day when this decision became final, binding or expires.

7.2 ISSUANCE OF RESIDENCE CARD

The residence card is issued by the voivode who granted temporary residence permit for the foreigner, permanent residence permit or long-term resident's EU residence permit.

The residence card is granted ex officio in the case of granting temporary residence permit, except for:

- 1) **Temporary residence permit in order to join the family**, if the foreigner, on the day of submitting the application for granting this permit stayed **outside the borders of the Republic of Poland** (see section 4.6.10, section I), or
- 2) Temporary residence permit, referred to in points IV, V, VI or VIII of Chapter IV, point 4.6.12, if the foreigner, on the date of submitting the application for the permit, was outside the Republic of Poland, or
- 3) Temporary residence permit in order to **perform work under an intra-corporate transfer** or temporary residence permit in order to **use long-term mobility** of managerial staff, specialist or trainee employee, as part of an intra-corporate transfer (see section 4.6.3 or section 4.6.4).

Upon granting the above mentioned permits, the residence card is issued at the request of the foreigner who was provided with permits.

The first residence card in the case of granting permanent residence permit or long-term resident's EU residence permit is issued ex-officio. The exception is the residence card issued at the request of the foreigner who is a member of the closest family of the repatriated, to whom the Head of the Office for Foreigners granted permanent residence permit. Subsequent residence cards in the case of granting permanent residence permit or long-term resident's EU residence permit are issued at the request of the foreigner.

The application for issuing **subsequent residence card issued in connection with granting permanent residence permit or long-term resident's EU residence permit** should be submitted at least **30 days** before the end of the validity period of the residence card. The residence card shall be issued by the voivode competent with regard to the foreigner's place of residence.

For the issuance or replacement of the residence card is collected a fee in the amount of PLN 100.

Fee should be paid to the bank account of the competent voivode before the issuance of the residence card.

The application for issuing the card is submitted on the form. The foreigner applying for issuing of the residence card is obliged to **present a valid travel document and attach to application:**

- 1) **2 up-to-date photographs**, made in relevant format;
- 2) **Documents necessary to confirm data** and circumstances specified in the application.

In particularly justified case, if the foreigner applying for issuing the residence card does not have and it is not possible to obtain such valid travel document may present **different document confirming his/her identity**.

Fees shall not be collected, if:

- issued or replaced document contained technical defects,

- the issuance of the first residence card to the foreigner who was not provided with permanent residence permit in the Republic of Poland as a member of the closest family of the repatriated,
- issuing a residence card to a foreigner who has been granted a temporary residence permit referred to in point 4.6.17(l)(8) or (9);
- issue of the first residence card to a foreigner who has been granted a permit for permanent residence under Article 195(1)(10) of the Act on Foreigners (Chapter V, point 10);
- in the case of replacement of the residence card due to acquisition by the Republic of Poland responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit with: "international protection granted by.." annotation or due to acquisition by other Member State of the European Union responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit.

Discount in fee for issuing or replacing residence card is 50% and shall be entitled to foreigners:

- 1) Who are in difficult financial situation;
- 2) Whose purpose of residence is to undertake education at the secondary school and university on the territory of the Republic of Poland;
- 3) Minors who on the day of submitting the application for issuing or replacing the residence card or – in the case of issuing the first residence card – until submission of the application for granting temporary residence permit, permanent residence permit or long-term resident's EU residence permit, are not over 16 years of age.

In the case of **wilful loss or destruction**, fee for replacement of the residence card shall be increased to **300%**. Detailed regulations in this respect are determined by the executive regulation to the Act on foreigners.

7.3 REPLACEMENT OF THE RESIDENCE CARD

The application for replacement of the residence card **should be submitted within 14 days** after the occurrence of premises for its replacement.

The foreigner is obliged to replace the residence card in the case of:

- 1) Change in data placed in the previous residence card;
- 2) Change in the face image of the residence card holder in relation to the face image placed in this card to the extent hindering or preventing identification of the card holder;
- 3) Its loss;
- 4) Its damage;
- 5) Acquisition by the Republic of Poland the responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit with: "international protection granted by..." annotation
- 6) Acquisition by other Member State of the European Union responsibility over international protection of the residence card holder issued in connection with granting long-term resident's EU residence permit;
- 7) the Republic of Poland assumes responsibility for the international protection of the holder of a residence card issued in connection with the granting of a temporary residence permit for the purpose of performing work in a highly qualified profession or a temporary residence permit for the purpose of long-

term mobility of the holder of an EU Blue Card, with the annotation: “international protection granted by... (indication of the Member State of the European Union which granted it) on... (date of granting international protection)”.

7.4 AUTHORITY REPLACING THE RESIDENCE CARD

Replacement of the residence card shall be made by the voivode competent with regard to the foreigner’s place of residence. For the replacement of the residence card is collected a fee in the amount of **PLN 100**. Fee should be **pay when submitting application** to the bank account of the competent voivode.

The application for replacement of the card is submitted on the form. The foreigner applying for the replacement of the residence card is obliged to **present a valid travel document and attach to the application:**

- 1) **2 up-to-date photographs** of the person covered by the application, **made in a suitable format;**
- 2) **Documents necessary to confirm data** and circumstances specified in the application.

In particularly justified case, if the foreigner applying for the replacement of the residence card does not have and it is not possible to obtain such valid travel document may present **different document confirming his/her identity.**

7.5 LOOSING OR DAMAGING THE RESIDENCE CARD

In the case of loss or damage to the residence card, the foreigner is obliged to notify this fact to the voivode who issued the card, within 3 days from its loss or damage.

Notifications are made on specially designed **form.**

The voivode is obliged to issue to the foreigner with a **free certificate** confirming this fact, **valid** until the document is replaced, but for **no longer than two months.**

In the case of **recovery** lost residence card, the foreigner is obliged, within 3 days from its **recovery**, to notify the voivode **who issued the card** and promptly return the above mentioned card to the authority, if he or she received the aforementioned card to replace his/her lost residence card.

7.6 RETURN OF THE RESIDENCE CARD

The foreigner is **obliged to return the residence card** to the authority who issued the card, if:

1. He/she has Polish citizenship;
2. Decision on invalidity of this document was issued;
3. Decision on withdrawal granting permanent residence permit or long-term resident's EU residence permit was issued;
4. Decision on withdrawal granting temporary residence permit was issued;
5. Decision on withdrawal granting residence permit for humanitarian reasons was issued;
6. Issued decision on granting temporary residence permit has expired by the law;
7. Issued decision on granting permanent residence permit has expired by the law;
8. Issued decision on granting residence permit for humanitarian reasons has expired by the law.

The residence card should be returned **immediately**, however, not later than within **14 days** from the date when:

1. The foreigner received a document confirming Polish citizenship or
2. Decision, mentioned in section 2-8, became final, binding or expires.

An entity authorised to perform burials pursuant to Article 10(1) of the Act of 31 January 1959 on cemeteries and the burial of the deceased (Journal of Laws of 2024, item 576, as amended) shall immediately return the residence card of the deceased foreigner to the authority that issued it.

The authority who received lost residence card shall issue, **at the foreigner's request, free certificate on returning the residence card** valid for the period of **30 days**.

7.7 TRAVELLING ON THE BASIS OF THE RESIDENCE CARD

The foreigner may travel and be present on the territory of other countries of Schengen area for the period not exceeding 90 days within each 180 day period, if he/she has a valid **residence card** and:

- has a valid travel document authorizing him/her to cross the border, valid for at least three months after the intended date of departure from the Schengen area (in justified and urgent cases, this criterion may be ignored) and issued within the period of the last 10 years,
- can justify the purpose and conditions of the intended stay and
- has sufficient resources or and the ability to obtain them legally, and
- is not considered a threat to public order, internal security, public health or international relations of any of the Member States, in particular, he/she has not been entered on this basis to national databases of the Member States for the purposes of refusing entry.

Furthermore, the foreigner's data should not appear on the national list of alerts for refusal of entry of a Member State.

The states of the Schengen area are: Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, France, Greece, Spain, Luxembourg, Netherlands, Germany, Portugal, Romania, Sweden, Italy, Estonia, Lithuania, Latvia, Malta Poland, Czech Republic, Slovakia, Slovenia, Hungary as well as Liechtenstein, Switzerland, Norway and Iceland (last 4 countries are countries of Schengen area, not being part of EU).

It should be emphasized that: Ireland and Cyprus are Member States of the EU, which do not belong to Schengen area.

The Party **who is not satisfied with the decision** of the competent voivode, issued for: temporary residence permit/permanent residence permit/long-term resident's EU residence permit/changes or reversing mentioned permits/extension of a visa/issuance or replacement of the residence card, has the right to apply, within **14 days from the date of delivery of the decision, with appeal** to the **Head of the Office for Foreigners**.

An appeal may be filed to the Head of the Office for Foreigners via the voivode who issued the decision. The person submitting the appeal shall be obliged to submit **own signature**.

During the term to submit the appeal, the Party **may waive the right to file the appeal** towards public administration authority which issued the decision. As of delivery to the public administration authority the statement on waiver the right to file the appeal by the last of the Parties to the proceedings, the decision becomes final and binding. Final decisions are decisions, from which it is not possible to file an appeal in administrative course of instances or the application for reconsideration of the case. Revoking or amendment of such decisions, declare of their invalidity and resuming the proceedings may occur only in the cases stipulated in the Code of Administrative Proceedings or special Acts. Binding decision is a final decision which cannot be sued to the court.

The Party **who is not satisfied with the relevant ruling of the voivode on refusal to initiate the proceedings** has the right to submit **the compliant** within 7 days from the date of its delivery. **The complaint shall be filed to the Head of the Office for Foreigners via the voivode** who issued the decision. The person submitting the complaint is obliged to submit **own signature**.

Ways and instructions for suing issued decisions or provisions can also be found in instructions contained therein.

In the case of **leaving the application without consideration** the Party may file the reminder to the Head of the Office for Foreigners. Reminder is filed by the voivode who left the application without examination. It is a request so it should be signed by the submitting party and additionally should contain substantiation.

The **decision of the Head of the Office for Foreigners regarding the objection** cannot be appealed, and application for reconsideration of the case cannot be submitted.

General Issues shall apply to the appeal proceedings (see chapter II).

8.1 FAILURE TO MEET THE DEADLINE

In the case of violating the term to submit **the appeal against decisions on refusal to initiate the proceedings**, the foreigner **the within 7 days**, upon the date of ceasing the cause of violating the term may **apply with a request for to restore term.**, The foreigner should **justify that violation of the time was caused without his/her fault. Along with a request it is necessary to file the appeal or complaint.**

8.2 GETTING ACCESS TO THE CASE FILE

If you wish to review the evidence gathered in the case, the party or representative should **submit a request for access to the files** to the Department of Residence Legalisation of the Office for Foreigners directly at the Foreigners Service Point of the Office for Foreigners at ul. 33 Taborowa Street in Warsaw (**Mon. 8:00 a.m. - 6:00 p.m., Tue. - Fri. 8:00 a.m. - 4:00 p.m.**), by post to the following address: Taborowa 33, 02-699 Warsaw, or electronically (e-Puap, e-delivery, e-mail (Sekretariat.dlp@udsc.gov.pl)). **Applications are examined in the order in which they are received.**

The deadline for reviewing the case files is set by telephone directly with the applicant. Currently, file reviews take place by appointment on Fridays, between 8:00 a.m. and 3:00 p.m., at the Foreigner Service Point of the Office for Foreigners at 33 Taborowa Street in Warsaw.

Information about the case is provided by telephone on working days between 9:00 a.m. and 4:00 p.m. at 47 72 176 75 and by e-mail at infolinia@udsc.gov.pl.

8.3 METHODS OF SUBMISSION OF APPLICATIONS, DOCUMENTS, EXPLANATIONS, AND STATEMENTS

SUBMITTED DOCUMENTS SHOULD:

- **be originals or copies officially certified for consistency with the original document. Instead of the original document, the party may submit a copy of the document if its conformity with the original has been certified by a notary public or by the party's representative in the case, who is a solicitor, legal adviser, patent attorney or tax adviser. Presenting original document, the foreigner may confirm the copy of the document compliant with the original document in the Office for Foreigners: ul. Taborowa 33 02-699 Warsaw, Mon. 8:00 a.m. - 6:00 p.m., Tue. - Fri. 8:00 a.m. - 4:00 p.m.**
- translated to **Polish language** by Polish sworn translator.

Documents (applications, explanations, statements) may be also submitted:

- **through the postal operator to the following address:** ul. Taborowa 33 02-699 Warsaw
- **Directly in Document Office at the Office for Foreigners:** ul. Taborowa 33 02-699 Warsaw, Mon. 8:00 a.m. - 6:00 p.m., Tue. - Fri. 8:00 a.m. - 4:00 p.m.,
-
- in **electronic form** submitted to the electronic inbox of the Head of the Office /UDSC/SkrytkaESP (until the end of 2025) or to the electronic delivery address **AE:PL-63297-42869-TJTIE-23**.

8.4 COMPLAINT

The Party may **challenge the decision of the Head of the Office for Foreigners, including the decision on the objection, to the Voivode Administrative Court in Warsaw**, within 30 days from the date of delivery of the decision. **The Party shall file the complaint via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party applies directly to the Voivode Administrative Court in Warsaw.**

Filing the complaint to the Voivode Administrative Court in Warsaw against the final decision shall not legalize the residence of the foreigner on the territory of the Republic of Poland.

The decision of the Head of the Office for Foreigners on reversing the voivode's decisions and transfer the case for re-examination may not be challenged with a complaint, it is only possible to file objection to the Voivode Administrative Court in Warsaw. The objection is to be filed within 14 days from the date of delivery of the decisions via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party files the objection against the decision directly to the Voivode Administrative Court in Warsaw. The provisions on complaint shall apply to the objection against the decision, unless the Act states otherwise.

Statement

I have received the notice in the language...

In the case of applying for extension of the validity period of the issued visa or the period of residence covered by this visa, see the chapters: Chapters I, II III, VIII are handed over.

In the case of applying for a temporary residence permit Chapters I, II, IV, VII, VIII are handed over.

In the case of applying for a permanent residence permit, Chapters I, II, V, VII, VIII are handed over.

In the case of applying for long-term resident's EU residence permit, Chapters I, II, VI, VII, VIII are handed over.

.....
(place, date)

.....
signature of the applicant
or legal representative

.....
possibly signature of the translator
