

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

1. BASIS FOR ENTRY INTO THE REPUBLIC OF POLAND

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

Those citizens' family members who are not citizens of the EU, EEA or Switzerland should, as a rule, hold appropriate visas when entering Poland, unless regulations allow exemptions in this extent.

In any case, citizens of the EU, EEA or Switzerland and their family members must hold valid travel documents, or other documents confirming their identity and citizenship, to enable the crossing of the Polish border.

2. BASIS FOR STAY IN THE REPUBLIC OF POLAND

2.1. STAY FOR A PERIOD NOT EXCEEDING 3 MONTHS

EU, EEA and Swiss citizens and their family members who are not EU, EEA or Swiss citizens may stay in Poland for up to 3 months without the need to fulfil any additional requirements (except for the obligation to register the address of their stay).

This requirement does not apply to citizens of the EU, EEA or Switzerland who enter Poland to seek work. They may remain in the country without any additional formalities for a maximum period of 6 months or longer, if they actively continue to look for work and have a realistic chance of employment.

2.2. STAY FOR A PERIOD EXCEEDING 3 MONTHS

Citizens of the EU, EEA and Switzerland who spend longer than 3 months in Poland (while meeting one of the conditions for stay given in Article 16 et seq. of the Act on the Terms of Entry into Stay in and Departure from the Republic of Poland for Citizens of EU Member States and their Family Members of 14 July 2006) must register their stay and any family member who is not a citizen of the EU, EEA or Switzerland must obtain a residence card.

Appropriate authority and deadlines

An application from an EU, EEA or Swiss citizen to register a stay, or for a residence card for a family member, should be submitted in person to the province governor's office appropriate for the place of stay of the citizen, at the latest by the day following the end of 3 months from the date of entry into Poland.

The province governor's office registers the stay and issues the associated EU, EEA or Swiss citizen's registered stay certificate without delay (in any event, within a maximum of 1 month or 2 months in complicated cases). Citizens whose stay has been registered are issued registration

certificates. The province governor's office issues residence cards to family members of a citizen of the EU, EEA or Switzerland within 6 months from the date of filing the application (a receipt for the application is issued on the submission date).

Required documents

Documents or written declarations confirming fulfilment of the above requirements for stay should be appended to the completed application form, together with confirmation of holding sufficient funds, confirmation of the registration of their address of stay (or other document confirming the location of stay) and a photograph, if for an application for a residence card for a family member of an EU, EEA or Swiss citizen. A valid travel document must be shown when submitting the application for registration of stay, or for a residence card for a family member.

Fees

A certificate confirming registration of stay and a residence card are obtained free of charge.

2.3. PERMANENT STAY

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

The Act on the Terms of Entry into, Stay in, and Departure from the Republic of Poland for Citizens of EU Member States and their Family Members also allows the permanent stay right to be secured before the end of 5 years' stay in Poland. This applies in exceptional situations of a professional or family nature.

In both cases, with certain exceptions, the stay is deemed uninterrupted, if any breaks to it have not exceeded a total of 6 months in a year.

Appropriate authority and deadlines

An application for a permanent stay certificate (for an EU, EEA or Swiss citizen) or a permanent residence card for a family member should be submitted in person to the province governor's office appropriate for the citizen's place of residence. If intending to remain in Poland, a family member who is not a citizen of the EU, EEA or Switzerland must file the appropriate application before the expiry of the residence card's validity.

The province governor's office issues a permanent stay certificate for a citizen of the EU, EEA or Switzerland, without delay (in any event, within at most 1 or 2 months in complicated cases). The province governor's office also issues a permanent residence card for a family member of an EU, EEA or Swiss citizen within 6 months from the date of filing the application (a receipt for the application is issued on the submission date).

Required documents

A completed application form should be supplemented with a certificate of registration of stay in Poland, documents confirming uninterrupted stay in Poland and a photograph. A valid travel document should be shown when submitting the application.

Fees

A permanent stay certificate as well as a permanent residence card are obtained free of charge.

II. ENTRY INTO AND STAY IN THE REPUBLIC OF POLAND OF THIRD-COUNTRY NATIONALS

1. BASIS FOR ENTRY INTO POLAND

Third-country nationals may enter Poland, if they:

1. Hold a valid visa or are exempt from the obligation to possess a visa, or
2. Hold a valid residence card (stay permit) or other basis for stay.

Third-country nationals intending to enter into and stay in Poland must, as a rule, obtain an appropriate visa. Regulations in force allow, nonetheless, a number of waivers to this obligation. This relates to citizens of, among others, Australia, Japan, Canada, South Korea, Malaysia, Singapore and the USA (a full schedule is available on the website of the Polish Ministry of Foreign Affairs).

The waiver of the visa obligation applies, though, almost exclusively to a tourist visit, usually not exceeding 90 days over a 180-day period, and does not apply to an entry for education, work or other remunerated activity (unless stipulated otherwise in international agreements such as, for example, with the USA, Canada or South Korea).

2. VISAS

2.1 TYPES OF VISAS

Third-country nationals, who are not entitled to a visa waiver, may enter Poland if they hold one of the following visas issued for a specified purpose:

1. **Schengen visa (type C):** entitling to one or more entries and stays, on condition that neither the length of continuous stay nor the total length of successive stays within the Schengen Area states exceeds 90 days over a 180-day period;
2. **National visa (type D):** entitling to entry and continuous stay solely in Poland, or to a number of successive stays, in total longer than 90 days, but not exceeding a total of one year during the visa's validity period (maximum of one year); a national visa also allows stays in other Schengen Area states for a period of up to 90 days over each 180-day period.

A Schengen visa or a national visa, excluding an airport transit visa (type A) may be issued for the following purposes, among others: tourism, business, employment, higher education studies,

academic research, medical treatment or family visit. A visa's validity period, its terms and detailed procedural requirements depend on the purpose for which it is issued.

2.2 VISA PROCEDURE AND FEES

Appropriate authority

A foreigner applying for a Schengen visa should submit the application to the consulate of the Schengen Area state in the country of his legal residence. If the planned visit is to one Schengen Area country, the application should be submitted to the consulate of that country, whereas if it is to a number of Schengen Area countries, the application should be made to the consulate of the country which is to be the main destination.

To obtain a Polish visa, the foreigner should submit the application to the Polish Consulate in the foreigner's country of legal residence, (if the given country has several consulates, the application should be submitted to the consulate for the given administrative region).

Deadlines

An application for a Schengen or national visa should be made within three months of the start of the planned visit and normally at least about 14 days before the planned journey. This is because visa procedures normally take several business days (actual time required may nonetheless differ according to the foreigner's state of origin and the consulate where the application is filed and may even take 30 days; also occasionally express processing is available (visa issued within 3 days). There may be also a need to take into account waiting for an agreed time for submitting the application (if there is a requirement for prior registration and reservation of such time) – particular consulates provide detailed information.

Fee

The level of the fee for a Schengen visa or a national visa depends on the foreigner's citizenship due to international treaties. If the visa is not granted, the fee is not refunded.

Required documents

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

1. Completed application form (usually requiring online completion, registration and printing);
2. Photographs (detailed requirements given on consulate websites);
3. Photocopy of a travel document (passport or other), valid to at least 3 months before the expiry of the applied for visa, with at least one or two empty pages (depending on the consulate) and issued within the last ten years. The original travel document should be

shown when making the application. Some consulates require an additional identity document;

4. Proof of payment of the appropriate fee for the given visa;
5. Documents regarding accommodation or confirming sufficient funds to pay for accommodation in a Schengen Area state/Poland;
6. Documents confirming that the visa applicant has sufficient funds to cover living costs throughout the entire planned stay and to cover costs of a return to the state of origin or residence, or for transit to a third country that will grant permission for entry, or the possibility of lawfully obtaining such funds (this does not apply to family members of EU, EEA and Swiss citizens, who accompany or join them);
7. If required in relation to a citizen of a given state: evidence of healthcare insurance in accordance with regulations on publicly-funded healthcare, or possession of an appropriate valid medical travel insurance policy for at least EUR 30,000 for the period of intended stay in the Schengen Area/Poland;
8. Other documents required to demonstrate the purpose of the journey (e.g. invitation, document confirming family ties, letter from employer, work permit, employment contract, work posting letter) – particular consulates provide detailed information;
9. Most consulates reserve the right to request, if necessary, also other documents from an applicant during the application procedure.

2.3 EXTENSION OF VISA

A national or a Schengen visa may be extended only in particularly justified cases.

A Schengen visa may be extended, if the given person is unable to leave the Schengen Area before the expiry of the visa, or of the period of stay allowed by the visa:

1. As a result of force majeure, or
2. For humanitarian reasons, or
3. If the visa holder has important personal reasons justifying the visa's extension.

A national visa may be extended solely if the following conditions are all fulfilled:

1. If substantiated by important professional or personal interests or other humanitarian reasons;
2. Reasons justifying the visa's extension have arisen independently of the foreigner's intent and were impossible to envisage when the visa was issued;
3. Circumstances indicate that the foreigner's purpose of stay will not differ from that declared;
4. No circumstances arise that justify refusal of a visa.

Appropriate authority

The appropriate authority for extending either a Schengen or a national visa is the province governor's office for the foreigner's place of stay.

Deadlines

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

Regulations in force envisage that a foreigner's stay in Poland is deemed legal from the date of submission of the application until the decision on the visa's extension has been issued, on condition that it is submitted by the deadline,

Fees

An extension of a Schengen visa, in the situations specified in points 1 and 2 above, is free of charge; an application fee of EUR 30 is charged in the case specified in point 3 (this may differ depending on citizenship). The fee charged for an application for extension of a national visa is the equivalent of PLN 406 (may differ depending on citizenship). These fees are not refunded if the extension of the visa is refused.

3. CERTAIN REQUIREMENTS REGARDING STAY IN THE REPUBLIC OF POLAND

Required level of funds

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

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

For the purpose of documenting possession of specific funds, a foreigner may present, among others:

1. Traveller's cheques;
2. A credit card that may be used in Poland, together with a statement of its credit limit set by the issuing bank or credit institution, dated at least one month before crossing the border;
3. Statement on possession of payment funds at a bank, credit union or other credit institution with registered office in Poland or other EU Member State, dated at least one month before crossing the border;

Levels of required funds and the documents that may be used to confirm their possession vary from those given above and depend on the particular purpose of the visit (work, study, medical treatment, organised tourism, sports tournament) – detailed requirements are contained in a Regulation of the Minister of Internal Affairs dated 23 February 2015 on funds required from a foreigner entering the Republic of Poland and documents that can confirm the ability to obtain such funds, as well as the purpose and duration of the planned visit.

4. OTHER GROUNDS FOR THIRD-COUNTRY NATIONALS TO STAY IN THE REPUBLIC OF POLAND

A third-country national may obtain the right to stay in Poland, in particular, after the expiry of a stay specified in the visa or of the visa's validity, under a permit for temporary or permanent residence, or under a permit to stay as a long-term EU resident.

In any case, a residence card issued to a third-country national (with a permit for temporary or permanent stay or as a long-term EU resident) confirms, if still valid, its holder's identity during the stay in Poland and, together with a travel document, allows multiple border crossings without the need to acquire a visa.

4.1. TEMPORARY STAY PERMIT

A third-country national may apply for a temporary stay permit, if circumstances justify the foreigner's residence in Poland for a period longer than 3 months. The prerequisites are specified in details in the Act on Foreigners. Among others, they relate to situations in which the purpose of the stay in Poland is:

1. Work under a contract with an employer based in Poland - depending on the circumstances, this may require a permit for temporary stay and for work, or a permit for temporary stay to work in a highly-skilled profession, or
2. Work due to an internal transfer of a manager, specialist or trainee within a company or company group (from outside the EU, EFTA or Switzerland) – this requires a temporary stay permit allowing work as part of an internal transfer within a company, or
3. Work as a manager, specialist or trainee with long-term mobility as part of an internal transfer within a company or group of companies, if the foreigner holds a valid state document annotated "ICT", pursuant to Article 1 par. 2a of Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, issued by another EU Member State applying Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (does not apply to residence documents issued by Great Britain, Ireland or Denmark) – this requires a temporary stay permit enabling long-term mobility,
4. A posting to work in Poland and with the foreigner holding a work permit – this may require a separate, specific type of permit, namely a permit for a foreigner posted by a foreign employer to work in Poland, or
5. Carrying on a business in accordance with binding regulations in Poland – this requires a temporary stay permit to carry on a business, or
6. Education at the first or second degree level of studies, or consolidated master's degree studies or at the third degree level of study – these require a temporary stay permit for education, or
7. Academic work or research under a research project contract between the academic or researcher and an academic institution, pursuant to Article 2 point 9 of the Financing of Education Act dated 30 April 2010, as approved by the Minister for Education – this requires a temporary stay permit for research work, or

8. Re-uniting or visiting a family – this requires a temporary stay permit for family members of Polish citizens and foreigners, or
9. Seasonal work under a seasonal work permit – this requires a temporary stay permit for seasonal work.

A third-country national may also apply for a temporary stay permit, if that person:

1. Intends to undertake or continue studies or professional training in Poland, or
2. Is a graduate of a Polish university and is seeking work in Poland, or
3. Is a member of the clergy, or an order, or holds a religious post in a church or religious denomination, the status of which is regulated by an international treaty or Polish law, or is acting based on an entry in the register of churches and other religious denominations, and if that person's stay in Poland is associated with a position held or preparation for it, or
4. Has demonstrated other circumstances justifying the stay in Poland.

Appropriate authority, deadlines and procedure

In the case of a temporary stay permit for work within the framework of an intra-corporate transfer and of a temporary stay permit enabling long-term mobility, the application for the temporary stay permit is submitted by the receiving firm in Poland, where the work is to be performed, to the governor's office of the province in which the firm has its registered office.

In other cases, the application for a temporary stay permit should be made personally by the foreigner (due to the need to take fingerprints) to the province governor's office for the foreigner's place of residence in Poland. If the application has not been submitted personally, the province governor's office requests the applicant to attend in person within 7 days, on penalty of rejecting the application. The foreigner must submit the application during a stay in Poland. The province governor's office may refuse to initiate proceedings, if the foreigner was abroad when the application was submitted.

An application for a temporary stay permit should be filed by the last day of the foreigner's legal stay in Poland (this applies to a permit sought by the foreigner). If this deadline has been met and the application has no formal deficiencies or they have been corrected in good time, the province governor's office stamps the foreigner's travel document confirming the submission of the application for a temporary stay permit and the foreigner's stay in Poland is deemed legal from the date of the submitted application to the date when the decision granting a temporary stay permit becomes final. However, possession of such stamp does not entitle the holder to cross the Polish border, which means that if a third-country national exits the country prior to receiving a stay permit, that national will not be able to re-enter Poland merely because of having the stamp and without obtaining a visa, or other basis for stay.

A temporary stay permit is granted in each instance for the duration necessary to achieve the objective of the stay in Poland – in principle, for not more than 3 years (the duration depends on the type of permit). A residence card is issued following the issuance of a temporary stay permit, which is valid for the period stated therein and which the third-country national must collect in person from the issuing province governor's office.

In accordance with law, the procedure should complete within not more than 2-3 months from the date of submitting the application.

Required documents

When applying for a temporary stay permit, a third-country national must submit at least the following:

1. Completed application form for a temporary stay permit;
2. Photographs;
3. Confirmation of payment of application fee;
4. Legal title to residential premises already occupied or intended for the stay (e.g. tenancy agreement) or a registered address certificate;
5. Documents confirming possession of health insurance or insurance covering the cost of medical treatment in Poland (with exceptions);
6. Photocopies of travel document (together with the original for inspection);
7. Documents indispensable for confirming the details of the application and circumstances justifying the application for a temporary stay permit for the given purpose.

Fees

The fee for a temporary stay permit is PLN 340 or, in principle, PLN 440 for a permit to stay combined with work. It is non-refundable if the permit is refused. A fee of PLN 50 is additionally charged for issuing a residence card.

4.2 PERMANENT STAY PERMIT

A third-country national may obtain a permanent stay permit, if the person meets the following conditions:

1. Is a child of a foreigner under the parental custody of the foreigner holding a permanent stay permit, or a permit to stay as a long-term EU resident:
 - a. born after that foreigner received a permanent stay permit or a permit to stay as a long-term EU resident, or
 - b. born during the validity of a temporary stay permit granted to that foreigner, or during that foreigner's stay in Poland under a permit to stay for humanitarian reasons, or a tolerated stay, or in connection with having obtained the status of a refugee, or been granted supplementary protection, or
2. Is a child under the parental custody of a Polish citizen, or
3. Is a person of Polish origin and intends to settle permanently in Poland, or

4. Remains a spouse recognised under Polish law of a Polish citizen and has been such for at least 3 years before the date of submitting the application for a permanent residence permit and has resided in Poland without interruption for a period of at least 2 years immediately prior to the submission of such application on the basis of a temporary stay permit granted in connection with remaining married to a Polish citizen, or with obtaining the status of a refugee, supplementary protection, or consent to stay for humanitarian reasons, or
5. Is a victim of human trafficking within the meaning of Article 115 § 22 of the Penal Code and additional circumstances arise, pursuant to Article 195 par. 1 points 5a-c of the Foreigners' Act
6. Has resided in Poland as a refugee, under supplementary protection, or a consent to stay for humanitarian reasons, without interruption for at least 5 years immediately before submitting the application for a permanent stay permit, or
7. Has resided in Poland under a tolerated stay consent, granted under Article 351 points 1 or 3 of the Foreigners Act, without interruption for at least 10 years immediately before submitting an application for a permanent stay permit, or
8. Has been granted asylum in the Republic of Poland, or
9. Holds a valid Polish National Card and intends to settle permanently in Poland.

A stay in Poland is regarded as uninterrupted if, with certain exceptions, no break has exceeded 6 months and all of the breaks have not exceeded a total of 10 months.

Appropriate authority, deadlines and procedure

A third-country national must submit an application for a permanent stay personally by the last day of the legal stay in Poland. If it has not been submitted personally, the province governor's office will request the applicant to attend in person within 7 days, under penalty of disregarding the application.

The application should be submitted to the province governor's office appropriate for the third-country national's place of stay (applications from abroad will not be considered).

Permanent stay permits are granted for an unlimited term. The issuance of a permanent stay permit leads to the issuance of a residence card that is valid for 10 years and which the third-country national must collect in person from the issuing province governor's office.

In accordance with law, the procedure should complete within not more than 2-3 months from the date of submitting the application.

Required documents

When applying for a permanent stay permit, a third-country national must file, among others, the following:

1. Completed application for a permanent stay permit;
2. Photographs;
3. Confirmation of payment of application fee;

4. Photocopies of travel document (together with the original for inspection);
5. Legal title to residential premises already occupied or intended for the stay (e.g. tenancy agreement) and a registered address certificate;
6. Documents evidencing uninterrupted stay in Poland;
7. Documents indispensable for confirming the details of the application and circumstances justifying the application for a permanent stay permit for the given purpose.

Fees

The application fee for a permanent stay permit is PLN 640 (does not apply to holders of a Polish National Card) and is non-refundable if the permit is refused. A fee of PLN 50 is charged for issuing a residence card.

4.3 PERMIT TO STAY AS A LONG-TERM EU RESIDENT

A third-country national may be granted a long-term EU residency permit, if the foreigner has stayed in Poland legally and without interruption for at least 5 years before submitting the application and has (with certain exceptions):

1. A stable and regular source of income sufficient to meet the living costs of the foreigner and the foreigner's dependent family members;
2. Healthcare insurance within the meaning of universal health insurance regulations or a confirmation from an insurer of cover for treatment in the Republic of Poland;
3. Documented confirmation of knowledge of the Polish language.

A stay in Poland is regarded as uninterrupted if, with certain exceptions, no break has exceeded 6 months and all of the breaks have not exceeded 10 months in total.

Appropriate authority, deadlines and procedure

An application for a permit to stay as a long-term EU resident should be submitted to the province governor's office appropriate for the third-country national's place of stay (applications from abroad will not be considered).

A permit to stay as a long-term EU resident is granted for an unlimited term. The issuance of a permit to stay as a long-term EU resident, leads to the issuance of a residence card which is valid for 5 years, which the third-country national must collect in person from the issuing province governor's office.

In accordance with law, the procedure should complete within not more than 3 months from the date of submitting the application.

Required documents

When applying for a permit to stay as a long-term EU resident, a third-country national must file, among others, the following:

1. Completed application for a permit to stay as a long-term EU resident;
2. Photographs;
3. Confirmation of payment of application fee;
4. Photocopies of travel document (together with the original for inspection);
5. Legal title to residential premises already occupied or intended for the stay (e.g. tenancy agreement) and a registered address certificate ;
6. Documents evidencing uninterrupted stay in Poland;
7. Documents confirming that the foreigner has a stable and regular source of income sufficient to meet the foreigner's and dependent family members' costs of living;
8. Document confirming possession of healthcare insurance;
9. Official certification of knowledge of the Polish language, i.e. a certificate of completed education in Poland (e.g. primary, middle, or high school, vocational school, or a bachelor's or master's diploma, with a supplement showing that the language of instruction was Polish), a certificate of completion of studies abroad with Polish as the language of instruction, or a certificate from the State Commission Certifying Knowledge of Polish as a Foreign Language at least at the B1 level of fluency;
10. Other Documents indispensable for confirming the details of the application and circumstances justifying the application for a permit to stay as a long-term EU resident for the given purpose.

Fees

The application fee for a permit to stay as a long-term EU resident is PLN 640 and is non-refundable if the permit is refused. A fee of PLN 50 is charged for issuing a residence card.

5. DUTY TO REGISTER THE PLACE OF STAY

Third-country nationals and EU, EEA and Swiss citizens and their family members staying in Poland whose temporary stay is to exceed 3 months must register their address of stay within 30 days from arriving at that location.

A third-country national staying in Poland must register the address of stay within 4 days from arriving at such location, if the planned stay in Poland is to exceed 14 days. The temporary stay address is registered verbally at the municipal (or district) administrative office for the given person's place of stay. It can also be made through an intermediary.

The following should be shown:

1. Travel document (passport, other document confirming identity);
2. Document constituting the basis for legal stay in Poland (e.g. visa, decision to grant a temporary or a permanent stay permit, residence card, document confirming the right of permanent stay as an EU citizen, certificate of registration of stay as an EU citizen, etc.);

3. Document confirming legal title to housing from an owner or other entity holding legal title to premises (e.g. tenancy agreement, extract from the land and mortgage register).

The registration of the address of stay of a third-country national, or an EU, EEA, or Swiss citizen and their family members is free of charge. But the issuance of a registered address of stay certificate is subject to a stamp duty fee of PLN 17.