

## **INSTRUCTION TO THE ALIEN (FOREIGNER) APPLYING FOR ISSUANCE OF A VISA, THE GRANTING OF A PERMIT FOR TEMPORARY RESIDENCE, THE GRANTING OF A PERMIT FOR PERMANENT SETTLEMENT**

### **General**

Any issues or business requiring explanatory proceedings' being carried out should be completed no later than within one month, particularly complex matters to be arranged within a maximum of two months of the proceedings' institution, and as regards appeal proceedings, within one month of receipt of the [notice of] appeal.

Of each instance of issues or businesses not having been tackled within the above-determined final dates, you shall be notified by the respective first- or second-instance body on an obligatory basis, with quotation of the actual reasons for the delay and indication of a new deadline for the matter to be sorted out.

All letters or memos (such as notifications, calls, decisions, provisions/clauses, and the like) shall be served, receipt confirmed, by the mail service or by officials (clerks) of the relevant first- or second-instance body.

Any such letters or memos to be served to you or, in case you have established a plenipotentiary, to the latter.

In the event that it has appeared unfeasible for the letters or memos to be served to you or any other adult member of the household, any such letter or memo shall be deposited for seven (7) days at a post office, a notification thereof being placed in the mailbox or, if case this is impossible, on the door of the recipient's apartment. The letter shall be considered to have been delivered [i.e. received] upon lapse of the last day of this period.

You shall be under obligation to confirm the receipt of the letter/memo with your signature, indicating the date of receipt. In case you have evaded of confirming the receipt, the deliverer shall on his or her own state the delivery/receipt date and indicate the person that has received the letter/memo, as well as the reason for the lack of any signature thereof.

If you have refused to accept the letter/memo having been sent you by mail or otherwise served, the letter/memo shall be returned to the sender with an annotation stating the fact that its receipt has been refused and determining the refusal date. In such an event, it shall be agreed that the letter/memo has been delivered/received on the date of refusal of acceptance thereof by the receiver.

Of each instance of change of the residential address notified should be the body before which the proceedings are taking place. In the course of the proceedings, memos or letters shall in each case be forwarded to the address for delivery that has been last pointed out to the given body.

In the event that your address has been changed and the proceedings carrying-out body has not been notified of the same, the letter/memo shall be sent to the address for delivery that was last indicated by you. In accordance with the Polish Code of Administrative Procedure, a letter/memo thus sent is deemed efficiently served also in case you have ceased to reside at the indicated address and for this reason you have not acknowledged of the letter's/memo's content.

Negligence as to the duty of notifying of altered domicile may generate certain serious consequences to you, incl. for instance:

- leaving the application without its being any considered;

- the decision of a competent body may become final and binding if, due to lack of notification of the altered address, you have not kept the deadline for filing an appeal against the decision of the first-instance body or lodging a complaint against the decision of the second-instance body with the Court of Administration.

On account of applications and annexes attached thereto, a stamp duty shall be collected (application: PLN 5; plus PLN 0.5 per annex). The above fee to be paid in the form of revenue stamps to be stuck on the application form.

If you have not paid the amount due alongside with submittal of the application, then the body in charge of the proceedings shall fix a deadline for you to settle the amount due. Such a deadline cannot be shorter than seven (7) days or longer than fourteen (14) days. If the amount due is not paid within the thus fixed date, then the application shall be liable to being returned.

The first- and second-instance bodies may, ahead of its issuing a decision, summon you to appear in person in order to explain the essential circumstances being indispensable for undertaking a decision.

Particular attention should be paid to instruction, as attached to each decision, re. means of challenging, including (final) dates quoted therein. It is only before the elapse of any such (final) dates that you may lodge an appeal against the decision(s) of the first- and second-instance bodies, or, a complaint to the Court of Administration against the decision of the second-instance body.

### **Visas**

You can apply for issuance of a short-term visa if you have intended to enter the territory of the Republic of Poland and stay therein for a period being no longer than three (3) months. Applications for the granting of visas are to be submitted to the consul.

If the circumstances of your planned stay in the territory of the Republic of Poland, related to the conduct of economic activity, cultural activity or participation in international conferences, performance of official or business tasks by representatives of a foreign country's body or an international organisation, execution of a work, or, the stay related with a scientific, training-related or didactic (teaching) purpose, require that this stay last longer than three (3) months, you can apply for a long-term visitor's visa whose visiting (stay) period shall be determined accordingly with the purpose of stay you have indicated. A long-term visa may not be issued for a period of stay being longer than one year.

You can apply for a visa provided that you have a valid document of travel entitling you to return to the country of your permanent residence or to travel to another state. A visa is to be placed in the travel document if the latter's validity period is in a minimum excess of three (3) months of the date on which the exit from the territory of the Republic of Poland must be effected on the basis of the visa issued.

At least seven (7) days prior to the elapse of the period of stay under the short-term visa being held (or, fourteen (14) days prior to the elapse of the period of stay under the long-term visa being held) you may apply for extension of your visa with the Province Governor (Voivod) being competent as regards the place of stay. The visa may be prolonged exclusively in case that the following conditions have jointly been fulfilled:

- the application is supported by an important professional or personal interest of yours, or humanitarian considerations;

- the events that have been the cause for your applying for prolongation of your visa have appeared beyond your will and could not possibly have been foreseen at the moment the visa was being issued;
- the circumstances of the issue prove not to be indicative of that the actual purpose of your stay might be any other than as declared;
- no circumstances have occurred that might justify a refusal to issue the visa.

The period of your stay in the territory of the Republic of Poland on the basis of the prolonged visa may not exceed the period of stay on the basis of, respectively, the short-term or the long-term visa.

In the event that an application for extension of the visa has not been submitted within the date(s) as herein above indicated, the proceedings not having been completed before the expiry of the validity period of the visa being held, you will be obligated to leave the territory of the Republic of Poland and subsequently wait till a decision is made whilst abroad.

Visitor's visa entitles the holder to a single entry, two entries or several entries into the territory of the Republic of Poland, and to a stay therein within the period of stay as determined in the visa.

Apart from determination of the period of stay, the visa will also determine its validity period which may not exceed five (5) years, during which period the first entry may, and the last exist must, follow into or from the territory of the Republic of Poland, as well as the number of entries into the territory of the Republic of Poland as allowed within the period of stay.

The body competent in respect of issuing visas shall be the consul.

The body competent in terms of prolongation of visas shall be the Province Governor (voivod) being competent in respect of the alien's place of stay.

### **Visas issued in order for the alien to perform a work or job**

A visa being issued in order for an alien to perform a work or a job shall entitle him or her to stay in the territory of the Republic of Poland and perform a work or a job.

Visas being issued in order for an alien to perform a work or a job shall be issued by the consul being competent in respect of your permanent domicile, if you have proposed a promise of issuance of a work permit for the territory of the Republic of Poland or any document from which it may ensue that such a promise is not required.

If you intend to perform work in the territory of the Republic of Poland for a period longer than three (3) months and have received a promise of issuance of a work permit, you should apply, by intermediation of the consul, if you are staying outside of Poland, or directly to the Province Governor, for being granted a permit for domicile [in the Republic of Poland for] a determined period of time.

### **Permit for domicile for a determined period of time**

Permit for domicile for a determined period of time may be sought in case circumstances have occurred that justify [the foreigner's] possible domicile in the territory of the Republic of Poland for a period being longer than three (3) months. Such circumstances include:

- 1) being awarded a promise, or prolongation of a promise, to issue a work permit or a written declaration (statement) of the employer re. the intent of entrusting to the foreigner the performance of a work, if no work permit is required, and providing evidence that you will have at your disposal such funds (cash) as may be indispensable for coverage of the costs of your stay in the territory of the Republic of Poland;
- 2) conduct of economic activity (business operations) on the grounds of the provisions binding in the Republic of Poland, such activity or operations proving beneficial to the national economy, and in particular, such ones as would contribute to increased investment, transfer of technologies, the launch of beneficial innovations or creation of jobs, and, giving evidence that you will possess funds (cash) as may be indispensable for coverage of the costs of your stay in the territory of the Republic of Poland;
- 3) continuation by a foreigner, whose artistic output is established and recognised, of his or her creative work in the territory of the Republic of Poland;
- 4) participation in training sessions and professional/vocational training implemented within the frame of the European Union programmes or schemes;
- 5) intent on the part of the migrating employee's family members to domicile jointly therewith, such an employee being referred to in the European Social Charter as drawn-up in Turin, 18 October 1961 (cf. Journal of Laws of 1999, No. 8, Item 67);
- 6) marriage to a Polish citizen;
- 7) intent of arrival in, and stay within, the territory of the Republic of Poland in order to join the family, under the terms as described in the Act on Aliens.

Permits for domicile for a determined period of time shall be granted also to a minor infant of the foreigner holding a permit for domicile for a determined period of time, such a kid to have been born in the territory of the Republic of Poland.

Moreover, permit for domicile for a determined period of time may be granted to a foreigner who:

- 1) has proven that circumstances have occurred other than the above-presented, as may justify his or her domicile in the territory of the Republic of Poland for a period being longer than three (3) months, and that s/he has funds (cash) as may be indispensable for coverage of the costs of your stay in Poland;
- 2) has intended to undertake or continue his or her course of studies and has financial means guaranteed that are indispensable for coverage of the costs of studies and keep during the course of studies, without a need to use the social assistance benefits, as confirmed by a certificate from a state or non-state (non-public) university- or college-level school re. his or her having been enrolled in the studies.

In case you are staying outside of Poland, application for granting of permit for domicile for a determined period of time should be submitted via the consul. If you are staying in Poland, the application should be submitted to the Province Governor being competent with the intended place of stay.

Upon applying for the granting of a permit for domicile for a determined period of time, you shall be under obligation to submit:

- 1) a filled-out application for granting of a permit for domicile for a determined period of time;
- 2) four (4) colour photographs (size: 4.5 cm x 3.5 cm);

- 3) documents being indispensable for confirming the data comprised in the application and the circumstances justifying the applying for being granted a permit for domicile for a determined period of time;
- 4) revenue (stamp-duty) stamps or evidence of having paid the consular fee;
- 5) certification confirming that the duty of registering the alien's arrival (to report his/her place of residence) has been fulfilled (in case of submitting applications with Province Governor).

Permits for domicile for a determined period of time shall be granted each time for a period being indispensable for fulfilment of the purpose of stay in the territory of the Republic of Poland, lasting no longer, however, than two (2) years. In case that the circumstance for applying for a permit for domicile for a determined period of time is undertaking or continuation of the course of studies, the permit shall be granted for a period of one (1) year. If you are staying within the territory of the Republic of Poland, the application for the granting of a permit for domicile for a determined period of time should be submitted to the Province Governor being competent with respect to the intended venue of stay, at least forty-five (45) days ahead of the elapse of the period of stay as per the visa, or the period for which the previous permit for domicile for a determined period of time was granted. In the event that it is not possible for the Province Governor to issue a decision, you will have a visa issued for a period of until the completion of first-instance proceedings.

If the application has been proposed less than forty-five (45) days ahead of the expiry of the stay period as per the visa or the period for which the previous permit domicile for a determined period of time was granted, and the proceedings have not been completed before the expiry of the stay permit being held, you shall be obliged to leave the territory of the Republic of Poland and subsequently wait until a relevant decision is made whilst abroad. In the event that you have not fulfilled the duty of leaving the territory of the Republic of Poland, the Province Governor shall be under obligation of refusing the granting to you of a permit for domicile for a determined period of time.

The decision regarding the granting of, or refusal to grant, a permit for domicile for a determined period of time shall be issued by the Province Governor being competent with regard to the intended place of stay. The document confirming that a permit has been obtained for domicile for a determined period of time is the licence of stay.

On account of issuance of a permit for domicile for a determined period of time, the stamp duty of PLN 300 shall be charged.

On account of issuance of the licence of stay, the fee of PLN 50 shall be charged.

If the application for the granting of a permit for domicile for a determined period of time has been submitted outside of Poland, the decision of the Province Governor shall be served to you via the consul. In the event that a decision is served that permits for domicile for a determined period of time, an entry visa shall be issued to you entitling to enter the territory of the Republic of Poland due to the permit having been obtained for domiciling therein for a determined period of time. The licence of stay shall be issued by the Province Governor being competent with regard to the intended place of stay.

### **Permits for settlement**

You can apply for being granted a permit for settlement if the following circumstances are the case, on a joint basis:

- 1) you have provided evidence of durable family or economic ties with the Republic of Poland;
- 2) you have been provided with accommodation and keep in the Republic of Poland;
- 3) immediately before the application was submitted, you had stayed continuously in the territory of the Republic of Poland for a period of a minimum of five (5) years, on the basis of (a) visa(s) or a permit for domicile for a determined period of time.

The required period of continuous stay before the application is submitted, in case of foreigners staying in the Republic of Poland on the basis of a permit for domicile for a determined period of time, as granted in connection with joining the family under the conditions described in the Act on Aliens, and as granted to a minor infant of the foreigner holding a permit for domicile for a determined period of time, such a kid having been born in the territory of the Republic of Poland, shall be three (3) years.

The required period of continuous stay before the application is submitted, in case of foreigners having entered into a marriage with a Polish citizen and staying incessantly in the territory of the Republic of Poland on the basis of a permit for domicile for a determined period of time, shall be two (2) years as a minimum. At the same time, at least three (3) years need having passed from the marriage date.

The required period of continuous stay before the application is submitted, in case of any foreigners not mentioned herein above, shall be at least ten (10) years, on the basis of visas, permits for domicile for a determined period of time, or consents for a tolerated stay; and, in case of foreigners having been granted with the emigrant/refugee status, the said period is eight (8) years.

The joint period of stay on the basis of visas, as included into periods of stay being required for obtaining a permit for settlement, may not be in excess of one (1) year.

To minor infants of a Polish citizen and to minor infants, having been born in the territory of the Republic of Poland, of aliens holding, as at the day of the kid's birth, a permit for settlement, shall be granted with a permit for settlement.

For obtaining of the indispensable period of continuous stay, whereupon the possibility of applying for the granting of a permit for settlement is conditional, it shall be indispensable to maintain the continuity of stay on the grounds of visas and permits for domicile for a determined period of time, whereas the stay of an alien in the territory of the Republic of Poland shall be deemed to be continuous if no break during the same has been longer than two (2) months, unless the reason for such a break has been:

- 1) performing of professional duties or work outside of the territory of the Republic of Poland, on the basis of a contract concluded with the employer whose registered seat is outside the territory of the Republic of Poland;
- 2) accompanying the spouse performing his professional duties, or, performing work under the conditions herein above described;
- 3) the need for obtaining a travel document;
- 4) medical treatment or healing process.

If you are staying in the territory of the Republic of Poland, the application for granting of a permit for settlement shall be submitted with the Province Governor being competent with regard to the intended place of stay, at least sixty (60) days ahead of the expiry of the validity of the permit for domicile for a determined period of time or the period of stay as determined in the visa. In the event that it is not possible for the Province Governor to issue a decision, you will have a visa issued for a period of until the completion of first-instance proceedings. If the application has been proposed less than sixty (60) days ahead of the expiry of a period, on the basis of the recently prolonged permit for domicile for a determined period of time, whereas the proceedings have not been concluded prior to the expiry of validity of the period for stay being held, you shall be obliged to leave the territory of the Republic of Poland and subsequently wait until a relevant decision is made whilst abroad.

In case you are staying outside of Poland, application for granting of permit for domicile for a determined period of time should be submitted via the consul. If you are staying in Poland, the application should be submitted to the Province Governor being competent with the intended place of stay.

Upon applying for the granting of a permit for settlement, you shall be under obligation to submit:

- 1) a filled-out application for granting of a permit for settlement;
- 2) four (4) colour photographs (size: 4.5 cm x 3.5 cm);
- 3) documents being indispensable for confirming the data comprised in the application and the circumstances justifying the applying for being granted a permit for settlement;
- 4) revenue (stamp-duty) stamps.

The decision regarding the granting of a permit for settlement shall be issued by the Province Governor being competent with regard to the intended place of stay.

The document confirming that a permit for settlement has been obtained is the licence of stay.

On account of issuance of a permit for settlement, the stamp duty of PLN 600 shall be charged.

On account of issuance of the licence of stay, the fee of PLN 50 shall be charged.

Staying within the territory of the Republic of Poland without the required visa, permit for settlement for an undetermined period of time, or permit for settlement, as well as performance of work on a basis being non-compliant with the Act of 14 December 1994 ‘on employment and counteracting unemployment’, or, undertaking economic activity (business operations) not in compliance with the relevant binding rules may expose you to expulsion from the territory of the Republic of Poland, without being given a possibility to return thereto for a period of three (3) to five (5) years.

*I have received this Instruction in the ..... language.*

.....  
(city/locality, date)

.....  
*applicant or legal representative  
signature*

.....  
*translator signature (optional)*