

**An instruction about the rules and procedure, as well as on the rights and obligations applicable** in cases concerning the extension of the validity of an issued visa or the period of stay covered by that visa, and in cases concerning the granting of temporary residence permits to foreigners, as referred to in Article 139a(1) and Article 139o(1) of the Act of 12 December 2013 on Foreigners (consolidated text: Journal of Laws of 2025, item 1079, as amended) and for the granting of temporary residence permits referred to in Article 159(1) or Article 160(1), (3), (4) or (6) of that Act, to a foreigner residing outside the borders of the Republic of Poland, in accordance with Article 7(1)(1) of the Act on Foreigners.

**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 VI.

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

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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 **different personal data** were provided 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 the foreigner 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 current **photographs of the foreigner taken in the appropriate format** to the application;
- sign the application with a handwritten **signature** and enter **the full name using Latin alphabet;**

**Note:** When applying for a temporary residence permit for the purpose of family reunification for a foreigner residing outside the Republic of Poland (see Chapter IV, point 4.6.3 concerning the temporary residence permit referred to in Article 159(1) of the Act on Foreigners), the application for a temporary residence permit, lodged on a separate form, **should be signed by the separated family member, i.e. the foreigner residing in Poland, and not by the family member for whom the permit is to be granted.**

Similarly, when applying for a temporary residence permit referred to in points I–IV of Chapter IV, sub-point 4.6.4 (temporary residence permits referred to in Article 160(1), (3), (4) or (6) of the Act on Foreigners) for a foreigner residing outside the territory of the Republic of Poland, the application for such a permit, lodged on a separate form, **should be signed by a separated family member, i.e. 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, as referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, residing in the territory of the Republic of Poland, to whom the foreigner is coming, and not a member of their family for whom the permit is to be granted.**

- present a **valid travel document**. When making an application for a temporary residence permit referred to in Article 139a(1) or Article 139o(1) of the Act on Foreigners (see Chapter IV, points 4.6.1 and 4.6.2), as well as when making an application for a temporary residence permit referred to in Article 159(1) or Article 160(1), (3), (4) or (6) of the Act on Foreigners for a foreigner residing outside the territory of the Republic of Poland, a copy of the foreigner's valid travel document must be presented.
- 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 2025, item 1691).
- 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 4.6.2).

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 Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 made after the expiry of the period of stay considered as legal in that 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.

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 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**.

In proceedings concerning granting of a **temporary residence permit for the purpose of working under an intra-corporate transfer, or a temporary residence permit for the purpose of long-term mobility of a manager, specialist or trainee, in the context of an intra-corporate transfer**, as referred to in Article 139a(1) and Article 139o(1) of the Act on Foreigners, or **temporary residence permits as referred to in Article 159(1) or Article 160(1), (3), (4) or (6) of that Act**, for a foreigner residing outside the Republic of Poland, the time limit for issuing a decision shall run from the date on which the last of the following events occurred:

1) the host entity or the separated family member, respectively, made an application for the aforementioned temporary residence permit, which contains no formal deficiencies or where such deficiencies have been rectified, or

2) the host entity or the separated family member, respectively, has submitted the documents necessary to confirm the details contained in the application and the circumstances justifying the application for the permit, or the deadline set by the voivode for submission of these documents has expired without result.

If the application for a temporary 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 call may be made simultaneously with a request to rectify formal deficiencies in the application for a permit pursuant to Article 64 § 2 of the Code of Administrative Proceedings or a call to pay the stamp duty for granting temporary residence permit. In this case, the deadline set by the voivode may not be shorter than the longest of the deadlines specified in these calls.

The **appeal proceedings** on granting a temporary residence permit to a foreigner 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 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 separated family member 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. Consent should be given **on the specified form**. 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 I - IV** of Chapter IV item 4.6.4. 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. Consent should be given **on the specified form**.

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 2026, item 3 ), 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 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 party or their representative did not actually receive the decision due to a change of address).**

### LETTERS ARE DELIVERED:

- **To the Party** 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, you must indicate a person who resides in Poland and will receive the party's correspondence on their behalf (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.**

**In the event of a failure to meet the deadline set in the summons**, a request for the reinstatement of the deadline may be made **within 7 days** of the date on which the cause of the failure ceased to exist. **It must be demonstrated that the failure to meet the deadline occurred through no fault of the person concerned. 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 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 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) of the Act of 12 December 2013 on foreigners.

If the voivode issues a decision refusing to extend a Schengen visa or a national visa, refusing to grant a temporary residence permit or deciding to discontinue the proceedings regarding the extension of a Schengen visa, a national visa or a temporary residence permit, the stamp duty paid for the extension of a Schengen visa or a national visa or for the granting of a temporary residence permit is not refundable.

### 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.

<b>REQUIREMENTS FOR TRAVEL DOCUMENT:</b>
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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**.

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**.

### 4.1 PURPOSES OF STAY FOR WHICH A TEMPORARY RESIDENCE PERMIT IS OR MAY BE GRANTED UPON LODGING OF A PAPER APPLICATION

**1. TEMPORARY RESIDENCE PERMIT 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

**2. TEMPORARY RESIDENCE PERMIT FOR THE PURPOSE OF LONG-TERM MOBILITY WITHIN THE FRAMEWORK OF AN INTRACOMPANY TRANSFER**

**3. TEMPORARY RESIDENCE PERMIT FOR THE PURPOSE OF FAMILY REUNIFICATION FOR FAMILY MEMBERS OF FOREIGNERS RESIDING ABROAD**, i.e. for foreigners who are in a marriage recognised under Polish law with a foreigner residing in the territory of the Republic of Poland on a specific basis, and for the minor children of that foreigner or the minor children of a foreigner married to a foreigner residing in the territory of the Republic of Poland, as well as, in specific situations, for other family members of a foreigner residing in that territory

**4. TEMPORARY RESIDENCE PERMIT FOR PERSONS RESIDING ABROAD WHO ARE RELATED TO CITIZENS OF THE REPUBLIC OF POLAND, THE EUROPEAN UNION, THE EEA, SWITZERLAND OR THE UNITED KINGDOM (WITHDRAWAL AGREEMENT)**

### 4.2 WHO MAY LODGE AN APPLICATION, IN WHAT CIRCUMSTANCES AND IN WHAT FORM

#### HOST ENTITY

Application for temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** and for 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**.

**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;

A foreigner who is to be granted a temporary residence permit for the purpose of working under an intra-corporate transfer **should be outside the territory of the Republic of Poland and the European Union**, unless they are applying for a subsequent such permit.

The host entity submits an application for granting of subsequent temporary residence permit for the purpose of **performing work as part of the intra-corporate transfer** as well as **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.

An application for the above temporary residence permits must be made **in paper form, on a separate form**.

#### SEPARATED FAMILY MEMBER

An application for a **temporary residence permit for a foreigner residing outside the territory of the Republic of Poland for the purpose of family reunification, as referred to in Article** the Act on Foreigners, shall be submitted by a separated family member, i.e. a foreigner residing in the territory of the Republic of Poland and who has appropriate basis for residence in Poland (see point 4.6.3).

An application for granting a **temporary residence permit to a foreigner residing outside the territory of the Republic of Poland, as referred to in Article 160 (1), (3), (4) or (6)** of the Act on Foreigners, shall be made by a separated family member, i.e. 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, as referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, residing in the territory of the Republic of Poland.

An application for the above temporary residence permits must be made **in paper form, on a separate form**.

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.

#### NOTE:

**A residence card is issued upon entry** into the territory of Poland to a **foreigner who has been granted a temporary residence permit for the purpose of working under an intra-corporate transfer**, as referred to in Article 139a(1) of the Act on Foreigners, or a **temporary residence permit as referred to in Article 159(1) or Article 160(1), (3), (4) or (6)** of the Act on Foreigners, issued to a foreigner residing outside the territory of the Republic of Poland.

In order to enable use of the temporary residence permits granted, the consul shall, at the foreigner's request, issue a Schengen visa or a national visa for the purpose of:

- exercising a temporary residence permit for the purpose of working under an intra-corporate transfer, or
- exercising a temporary residence permit for the purpose of family reunification, or
- exercising a temporary residence permit referred to in Article 160 (1), (3), (4) or (6) of the Act on Foreigners.

In order to obtain a residence card, a **foreigner** who has been granted the aforementioned temporary residence permit, **as well as a temporary residence permit for the purpose of long-term mobility** of a manager, specialist or trainee within the framework of an intra-corporate transfer, should make a **separate application to the voivode, in paper form, for the issue of a residence card** (see Chapter V).

#### 4.3 OTHER IMPORTANT INFORMATION

The host entity shall lodge an application for granting **subsequent** permit to **work under an intra-corporate transfer** and **for the grant** of a temporary residence **permit for the long-term mobility of a manager, a specialist or a trainee under an intra-corporate transfer**, no later than on the last day of the foreigner's lawful stay in the territory of the Republic of Poland.

If the above deadline for lodging an application for a temporary residence permit for a foreigner has been met and the application contains no formal deficiencies or such deficiencies have been rectified within the deadline, the foreigner's stay in the territory of the Republic of Poland **shall be deemed lawful from the date of lodging the application until the date on which the decision on granting of a temporary residence permit becomes final** (e.g. 14 days after its service, provided no appeal is lodged against it). This rule **does not apply if proceedings concerning granting of a temporary residence permit to a foreigner are suspended** at the request of a party.

Where the host entity lodges an application for a temporary residence permit for the **long-term mobility of a manager, specialist or trainee as part of an intra-corporate transfer**, the foreigner who is outside the territory of the Republic of Poland, the above rules concerning lawful residence during the procedure, with the exception of the suspension of proceedings at the request of a party, shall apply accordingly provided the foreigner has lawfully entered the territory of the Republic of Poland after lodging that application.

**NOTE: Legal residence during the procedure does not entitle the foreigner to travel within the territory of other Schengen states, however, the foreigner may leave for their country of origin. In order to return to Poland, a foreigner who does not hold a valid residence permit should obtain a visa if they come from a country subject to visa requirements, or has used up their permitted short-term stay within the Schengen area, not exceeding 90 days in any 180-day period, to which the period of stay in Poland during the residence permit application procedure is also added.**

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 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.

An application for a **temporary residence permit, as referred to in Article 159(1) or Article 160(1), (3), (4) or (6) of the Act on Foreigners**, for a foreigner residing outside the territory of the Republic of Poland, shall be made to **the voivode competent for the place of residence of the separated family member** residing in Poland.

#### 4.5 DOCUMENTS

The entity authorised to make the application, i.e. the host entity or the separated family member, as appropriate, is required to:

- submit a copy of a **valid travel document** of the foreigner for whom the permit is to be granted,
- submit **the appropriate completed application form** and attach to the application:

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** of the foreigner for whom the permit is to be granted 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.

For a person with congenital or acquired visual impairments, photographs showing that person wearing glasses with dark lenses may be attached to the application. 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.

For a person wearing head coverings in accordance with the rules of their religion, photographs showing that person wearing the head covering may be attached to the application, 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.

- a separated family member, when making an application for a temporary residence permit referred to in Article 159(1) or Article 160(1), (3), (4) or (6) of the Act on Foreigners, shall also attach to the application the **written consent** of the foreigner or their legal representative, unless the applicant is their legal representative, for the separated family member **to make the application for that permit on behalf of the foreigner, expressed on a specific form.**

**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 for the purpose of work as part of the intra-corporate transfer (point 1), 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 2), a temporary residence permit for the purpose of family reunification for family members of foreigners residing abroad (point 3), a temporary residence permit for persons residing abroad who are related to citizens of the Republic of Poland, the EU, the EEA, Switzerland or the United Kingdom (Withdrawal Agreement) (point 4);
  - **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: a temporary residence permit for the purpose of family reunification for family members of foreigners residing abroad (point 3), a temporary residence permit for persons residing abroad who are related to citizens of the Republic of Poland, the EU, the EEA, Switzerland or the United Kingdom (Withdrawal Agreement) (point 4);
  - **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 1), 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 2), a temporary residence permit for the purpose of family reunification for family members of foreigners residing abroad (point 3).

## 4.6 DETAILED REGULATIONS RELATED TO TEMPORARY RESIDENCE PERMITS

### 4.6.1. TEMPORARY RESIDENCE PERMIT 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.

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#### 4.6.2. TEMPORARY RESIDENCE PERMIT FOR THE PURPOSE OF LONG-TERM MOBILITY WITHIN THE FRAMEWORK OF AN INTRACOMPANY 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. Information on the possibility of applying short-term mobility can be found on the Case Management Module (MOS) website.

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 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.

#### 4.6.3. TEMPORARY RESIDENCE PERMIT FOR THE PURPOSE OF FAMILY REUNIFICATION FOR FAMILY MEMBERS OF FOREIGNERS RESIDING ABROAD

**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 expresses 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.

**A temporary residence permit for the purpose of family reunification is granted to a foreigner who arrives in the territory of the Republic of Poland for the purpose of family reunification and is a family member of a foreigner residing in the territory of the Republic of Poland (i.e. of a separated family member):**

- 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.

In order to be granted the permit 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 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 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 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:** An application for a temporary residence permit for the purpose of family reunification for a foreigner residing outside the Republic of Poland is made by a **foreigner residing in Poland (i.e. the separated family member)** who is joined by the family member. 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, **expressed on a specific form**. 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 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 **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.

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#### 4.6.4. TEMPORARY RESIDENCE PERMIT FOR PERSONS RESIDING ABROAD WHO ARE RELATED TO CITIZENS OF THE REPUBLIC OF POLAND, THE EUROPEAN UNION, THE EEA, SWITZERLAND OR THE UNITED KINGDOM (WITHDRAWAL AGREEMENT)

I. 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.

II. 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.

III. 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 I 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;

IV. 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 order for these permits to be granted, the foreigner must meet the conditions regarding **health insurance and a stable and regular source of income sufficient** to cover the living costs of themselves and any dependent family members (see point 4.5)

PLEASE NOTE: An application for a temporary residence permit, as referred to in points I – IV, for a foreigner residing outside the Republic of Poland shall be made 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, **expressed on a specific form**. 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 proceedings concerning granting of a temporary residence permit to a foreigner referred to in points II and IV, the authority conducting the proceedings **shall determine, in particular, whether the foreigner's ties** with a Polish citizen or a citizen of another Member State of the European Union, Switzerland, Liechtenstein, Norway or Iceland, or the United Kingdom, **are genuine and permanent**.

In order to determine whether the foreigner's ties are genuine and permanent, the authority conducting the proceedings **may submit a request to the commander of a Border Guard unit** or the commander of a Border Guard post, competent for the foreigner's place of residence, to **carry out the verification procedures** referred to in Article 11(1) of the Act on Foreigners (community interview, establishing the place of residence of the person with whom the foreigner has ties of family character).

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).

#### 4.7 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;
- For **family reunification** - for the period of granting a temporary residence permit granted to the foreigner whom the family member intends to join for the purpose of family reunification 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 of Poland - for the period of up to 3 years.

#### 4.8 LEAVING THE APPLICATION WITHOUT CONSIDERATION

**Application for granting temporary residence permit is left without examination if the application contains formal shortages**, which were not completed by the applicant 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 produce a copy of the foreigner's valid travel document;
- Failure to apply 4 current and relevant photographs of the foreigner;

#### 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;

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. 1 and section 4.6.2).

#### 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 proceedings concerning granting of a temporary residence permit to a foreigner for the purpose of **family reunification** (referred to in point 4.6.3.) the grounds for refusing to grant a permit listed in points 6 and 7 shall not apply.

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 the purpose of **family reunification – in the case of the foreigner being married to a foreigner**, grounds to refuse to grant permissions listed in point 6-9 shall not apply.

In the proceedings for granting temporary residence permit for the purpose of **family reunification** grounds to refuse to grant permissions mentioned in point 8 shall not apply, if the foreigner applies for subsequent permit.

To refuse granting temporary residence permit for the purpose of **family reunification** 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.

#### 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 permit for the purpose of family reunification 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.

**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.**

## 5.1 GENERAL INFORMATION

**The foreigner who obtained temporary residence permit is issued with residence card.**

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 residence card shall include, inter alia, the foreigner's fingerprints, unless the residence card is issued to a foreigner:

- 1) from whom it is physically impossible to take fingerprints, or
- 2) who is a minor under the age of 6 on the date of lodging the application for the issue or replacement of the residence card.

The voivode **collects fingerprints** from the foreigner submitting the application for:

- 1) Issuing a 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.

Where it is physically impossible to take fingerprints from a foreigner, no fingerprints shall be taken.

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 shall **collect the residence card in person**. Where a residence card has been issued to a foreigner who is a minor under the age of 13 on the date of collection, or to a person who has been placed under full legal incapacitation, the residence card shall be collected by a parent, guardian or curator, as appropriate, upon presentation of a valid identity document.

Collection of a residence card issued to a foreigner who is a minor who **has reached the age of 6 by the date of lodging the application for the issue or replacement of the residence card**, or who is a person who has been completely incapacitated, **requires the presence** of that person.

A foreigner collecting a residence card shall be provided with an electronic reader to verify that the personal data contained in the card is accurate.

When collecting a residence card, a foreigner shall present a valid travel document. In particularly justified cases, where a foreigner does not possess a valid travel document nor is able to obtain one, they may present another document confirming their identity.

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.

## 5.2 ISSUANCE OF RESIDENCE CARD

The residence card is issued by the voivode who granted temporary residence permit for the foreigner.

A residence card is issued upon a separate application submitted by the foreigner to whom a residence permit has been granted:

- 1) 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 4.6.1 or section 4.6.2), or
- 2) Temporary residence permit for the purpose of family reunification, 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 4.6.3), or
- 3) Temporary residence permit, referred to in points I - IV of Chapter IV, point 4.6.4, if the foreigner, on the date of submitting the application for the permit, was outside the Republic of Poland.

**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 residence card is submitted on the form **in paper 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 or is unable 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.

**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) 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, 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.

### 5.3 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.

### 5.4 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 or is unable to obtain such valid travel document may present **different document confirming his/her identity.**

### 5.5 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.

## 5.6 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 acquired Polish citizenship;
2. Decision on invalidity of this document was issued;
3. Decision on withdrawal granting temporary residence permit was issued;
4. Issued decision on granting temporary residence permit 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 points 2-4, became final, binding or expired.

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 2025, item 1590) 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**.

## 5.7 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.**

## CHAPTER VI - APPEAL PROCEEDINGS

The Party **who is not satisfied with the decision** of the competent voivode, issued regarding: temporary residence permit/ withdrawal of this permit/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.

**General Issues shall apply to the appeal proceedings (see chapter II).**

### 6.1 FAILURE TO MEET THE DEADLINE

If the deadline for lodging an **appeal against a decision or a complaint against a refusal to initiate proceedings** is missed, **a request to have the deadline reinstated** may be made **within 7 days** of the date on which the reason for missing the deadline ceased to exist. It is necessary to **demonstrate that the deadline was missed through no fault of the person concerned**. **Along with a request it is necessary to file the appeal or complaint.**

### 6.2 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-delivery, e-mail ([Sekretariat.dlp@udsc.gov.pl](mailto: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](mailto:infolinia@udsc.gov.pl).

### 6.3 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 delivery address of the Office for Foreigners: **AE:PL-63297-42869-TJTIE-23.**

### 6.4 COMPLAINT

The Party may **challenge the decision of the Head of the Office for Foreigners 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, VI are handed over.

In the case of applying for a temporary residence permit Chapters I, II, IV, V, VI are handed over.

.....

(place, date)

.....

signature of the applicant  
or legal representative

.....

possibly signature of the translator