

PERMITS TO STAY FOR FOREIGNERS ON THE TERRITORY OF POLAND

Since 1 May 2014, new immigration provisions have been applied and effective in the Polish law - the Act of 12 December 2013 on Foreigners (Journal of Laws 2013 item 1650). They relate to the issue of the entry and residence of foreigners on the territory of Poland, and had replaced the previous Act of 13 June 2003 on Foreigners (Journal of Laws 2003 No. 128 item 1175). Changes in the rules had arisen from the need to implement the provisions of the EU law, the aim of which has been to simplify the immigration procedures (in particular for the foreigners who have already been legalized to stay).

The new act regulates the issue of two permits - temporary and permanent residence in Poland. At the same time, the issue around just settling was abandoned. The regulation also extends the maximum duration of stay from 2 to 3 years for foreigners who have been granted a temporary residence permit. The request for such authorization can be submitted at any time during their legal residence in Poland, and not as it had been done previously, at least 45 days prior the end of the validity of the visa or then current residence permit.

Entry and residence of citizens of EU/EEA/KS on the territory of Poland

Citizens of the European Union (EU), the Member States of the European Economic Area (EEA), and the Swiss Confederation (KS) have the right to enter the territory of Poland without the obligation to hold a visa or other entry document. Their family members who are not citizens of those countries, while entering into Poland should have the appropriate visa, unless the provisions provide otherwise in this respect. Crossing the border by citizens of the EU, the EEA and KS and members of their families requires a valid travel document or other document enabling to establish their identity and nationality.

Depending on the length of residence on the territory of the Poland, there are different provisions and requirements that apply in respect to the legalization of stay of foreigners in this country.

Entry and residence of the citizens of third countries on the territory of Poland

Third countries citizens may enter the Polish territory, provided that they have the following:

- valid visa or exemption from the obligation to hold a visa,
- valid residence permit or other basis of stay.

Citizens of third countries who intend to stay on the Polish territory are obliged to obtain the appropriate visa. However, the existing provisions of laws in Poland provide a number of exemptions from this obligation (full list of such is shared by the Ministry of Foreign Affairs of the

Republic of Poland).

No need for a visa covers only the entry for tourist reason and for no longer than 90 days, not including the entry, among others, in order to undertake study, work or engage in other gainful activity (unless otherwise provided in the provisions of international agreements - e.g. the US, Canada and South Korea).

Types of visas

Citizens of third countries, who are not exempt from the visa requirement, may cross the Polish border, provided that they are in the possession of the following:

- a Schengen visa, which entitles one or more entries and stays in the case where neither the length of a continuous stay nor the total length of successive stays on the territory of the Schengen states are not longer than three months during the six months computed from the date of first entry onto that territory,
- country visa, which entitles entry and continuous residence only on the territory of Poland or several consecutive stays, lasting a total of more than 3 months and not exceeding a total of one year within the period of validity of the visa; country visa entitles you to stay on the territory of the other member states of the Schengen area for a period of up to three months in a six-month period.

Those visas may be issued for such purposes as: tourism, visit, conducting a business, employment, studies, and other. The period of validity of the visa and residence provided for within its framework and any procedural requirements have been properly adapted to the purpose for which it has been issued.

Other grounds for residence of third countries citizens on the territory of Poland

Third countries citizens can obtain the right to reside on the territory of Poland on the basis of one of the three permits: temporary, permanent or long-term residency in the European Union. Authorization for such stays is possible particularly when the period of stay under the given visa or the period of its validity have passed. In the case of each decision of issuing a residency permit to third countries citizens during the validity of the permit, their identity is confirmed for the duration of the period of residence on the territory of Poland, and they are allowed, with their travel document, to cross the border multiple times without the obligation to obtain a visa.

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