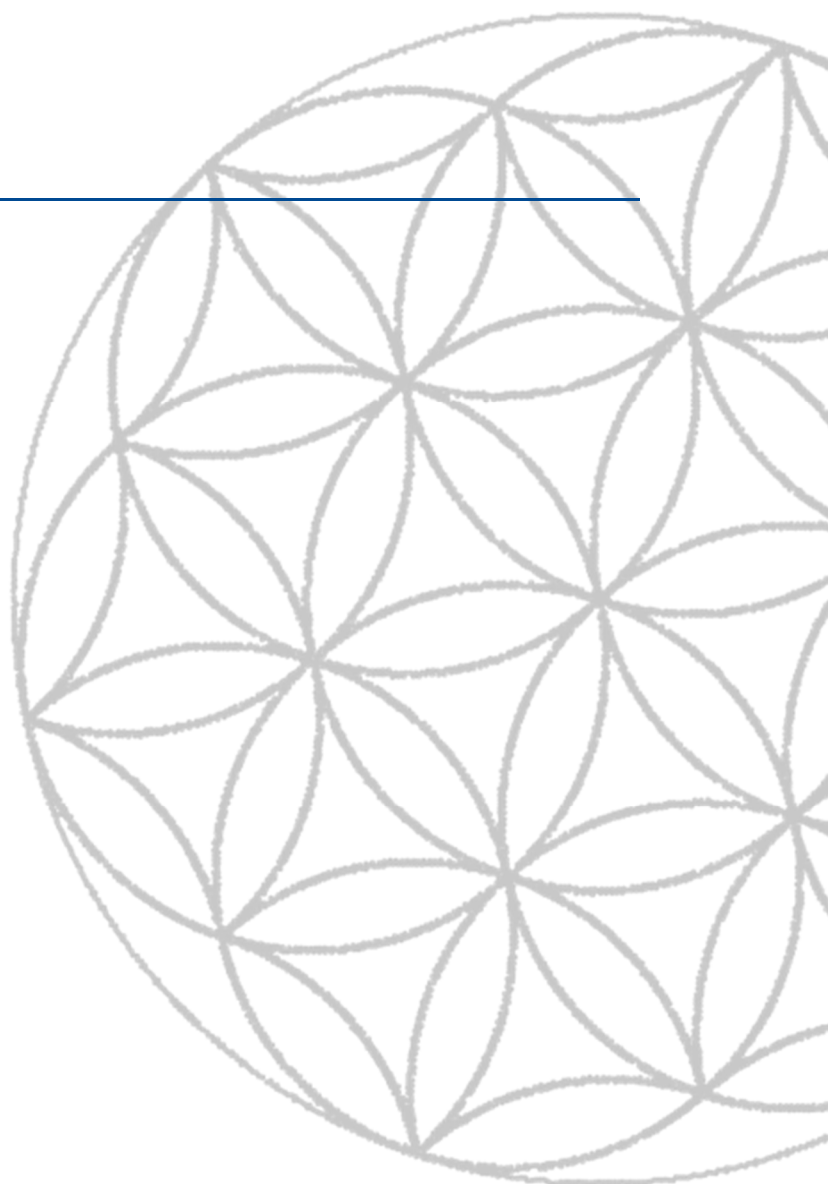


# **Residing and working in Poland**

## **(Guide for citizens of Ukraine)**

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25 February 2022



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# 1. Border crossing

## 1.1. General remarks

Citizens of Ukraine can enter Poland on the basis of:

- visa-free movement
- a national visa (D) or Schengen visa (C)
- a long-term visa or residence permit issued by another Schengen state
- consent issued by the Chief Commander of the Polish Border Guard granted when crossing the border (exceptional entry)
- a temporary residence permit, permanent residence permit or long-term resident EU residence permit and valid residence card
- an application for granting international protection (refugee status)

## 1.2. Visa-free entry

From 19 February 2022, Polish authorities lifted restrictions (in terms of the purpose of entry) on border traffic at the border with Ukraine and at air border crossings. Pre-pandemic entry rules have therefore been restored meaning that visa-free entry of Ukrainian citizens is admissible without meeting additional criteria.

The border with Ukraine can be crossed in Dorohusk, Korczowa, Hrebenne, Medyka, Budomierz, Krościenko, Zosin and Dołhobyczów. As of 25 February 2022, the Border Guard reported that all border crossings with Ukraine are open.

<b>Authority</b>	Polish Border Guard
<b>Required documents*</b>	<ul style="list-style-type: none"><li>• biometric passport</li><li>• documents confirming sufficient funds to cover living expenses throughout the entire intended stay as well as costs of return to Ukraine (e.g. bank statements for the last 6 months, traveller's cheque, certificate on the amount of limit on credit card issued by the bank issuing a credit card)</li><li>• proof of public health insurance or private medical travel insurance coverage valid for Schengen countries for at least EUR 30,000 for the intended stay</li><li>• documents confirming participation in tourist travel or accommodation in Poland</li></ul> <p>*As of 25 February 2022, Polish authorities are not requiring Ukrainian citizens to present documents other than a passport when crossing Polish border.</p>

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### 1.3. Exceptional entry (with no passport)

If you or your family members do not have a passport, you may as an exception enter Poland for a maximum period of 15 days after obtaining consent from the Chief Commander of the Border Guard (Article 32 point 1 of the Foreigners Act).

*As of 25 February 2022, Polish authorities are allowing all Ukrainian citizens to cross the Polish border on the basis of any other document confirming identity, especially in cases of children.*

### 1.4. Refugee procedure

As a Ukrainian citizen you can, as a rule, apply for international protection. You can apply for it at the Polish border or at any Border Guard unit.

The decision to grant (or not grant) refugee status or to grant (or not grant) subsidiary protection is taken by the civilian central authority: the Head of the Office for Foreigners.

Once you have submitted your application for international protection, you will be directed to a reception center under the authority of the Office for Foreigners, where you will undergo a medical examination. You may also apply for social assistance for the duration of proceedings and receive a referral to a residence center (you will not, however, be detained there).

Once you have applied for international protection, your stay in Poland is legal. However, you cannot cross the Polish border and travel, e.g. to Germany, until the procedure is completed. Your passport will have to be deposited with the Head of the Office for Foreigners and you will be issued a special document - a TZTC (Temporary Foreigner's Certificate) confirming your identity and entitling you to stay in Poland until the procedure to grant international protection is completed with a final decision.

You will be required to attend an interview with Polish authorities on the basis of which a decision to grant international protection will be taken.

<b>Remarks</b>	Work in Poland is not allowed within the first 6 months of the procedure. If 6 months have elapsed and your case is still pending, you can apply for a certificate that will entitle you to work in Poland. When international protection is granted, you are entitled to work in Poland without a work permit.
<b>Timing</b>	The procedure should take up to 6 months, but the actual average waiting time for a decision is 14.5 months
<b>Official fee</b>	No fee is due
<b>Authority</b>	Polish Border Guard and Head of the Office for Foreigners
<b>Main required documents</b>	<ul style="list-style-type: none"><li>• passport</li><li>• any documents, records or evidence proving that you are actually in danger in your home country</li></ul>

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## 2. Residing in Poland

### 2.1 Temporary residency permits

If you are already in Poland and can prove a purpose for stay in Poland exceeding 90 days, for example, work based on a work permit or a statement (see details in section 3), you can apply for a temporary residency permit to legalize your stay in Poland. You will not need a visa when your visa-free movement period has expired. Submitting an application for a temporary stay permit grants you to legal stay in Poland until a final decision in your case is issued.

A temporary residency permit entitles you to also stay in other Schengen countries for periods not exceeding 90 days within each 180-day period. It does not, however, entitle you to work in those countries (local immigration regulations must always be considered).

There are several types of temporary residency permits available in Poland. There are common elements for the procedure for all types of permits. More details are discussed in section 3.

### 2.2 Permanent residency permits

You can apply for permanent residency permit if you fall under one of the categories listed by law, in particular, foreigners of Polish descent and holders of a valid *Karta Polaka*.

<b>Validity</b>	Indefinite
<b>Timing</b>	The procedure lasts approx. 6 months
<b>Official fee</b>	PLN 640 for the permit and PLN 50 for the stay card No fee for holders of <i>Karta Polaka</i> .
<b>Authority</b>	The Provincial Governor's Office at the place of foreigner residence in Poland
<b>Main required documents</b>	<ul style="list-style-type: none"><li>• application form</li><li>• photographs</li><li>• copy of passport (all pages) and original passport</li><li>• copy of a <i>Karta Polaka</i> and original <i>Karta Polaka</i> (if the basis for applying)</li><li>• documents confirming that you have sufficient funds to cover living expenses throughout the entire intended visa validity period and to cover costs of return to Ukraine or Belarus (e.g. bank statements for the last 6 months)</li><li>• proof of public health insurance or private medical travel insurance valid in Schengen countries of at least EUR 30,000 for the intended stay period</li></ul>

Holders of permanent residency permits are entitled to work in Poland without any additional permits.

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### 2.3 National (D) visas

If you can prove a purpose for stay in Poland exceeding 90 days, for example, work based on a work permit or a statement (see details in section 3), you can apply for a national (D) visa to legalize your stay in Poland.

Visas for Poland cannot, however, be obtained in Poland. They are applied for at Polish consulates abroad.

<b>Validity period</b>	from 91 days to 365 days; a Schengen visa must be obtained for shorter stays in Poland (a similar procedure applies to such visas); can be obtained multiple times
<b>Timing</b>	Visa application processing time is up to 15 days from the date when an application is submitted to an appropriate authority.
<b>Authority</b>	Polish Consulates in Ukraine (as a rule)
<b>Main required documents</b>	<ul style="list-style-type: none"><li>• visa application</li><li>• passport photograph</li><li>• copy of passport and original passport</li><li>• documents confirming that you have sufficient funds to cover living expenses throughout the entire intended stay and to cover costs of return to Ukraine</li><li>• proof of public health insurance or private medical travel insurance valid for Schengen countries of at least EUR 30,000 for the intended visa validity period</li><li>• documents proving basis for stay in Poland for over 90 days</li></ul>

A national visa entitles you to also stay in other Schengen countries for periods not exceeding 90 days within each 180-day period. It does not, however, entitle you to work in these countries (local immigration regulations must always be considered).

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## 3. Working in Poland

### 3.1 Statements

If you do not qualify or for any other reason cannot apply for a national (D) Poland. Business Harbor visa but have an employer offering you job in Poland, you can work in Poland based on a statement registered by your prospective employer at a local labour office (oswiadczenie).

<b>Validity period</b>	Up to 24 months
<b>Timing</b>	Statement is normally registered within 7 days
<b>Official fee</b>	PLN 30
<b>Authority</b>	Labour office (urząd pracy) competent for the registered office of the Polish company.
<b>Party to the procedure</b>	The Polish employer, who can be represented by a proxy under a power of attorney during the entire process
<b>Required documents</b>	<ul style="list-style-type: none"><li>• statement form</li><li>• extract from the register or copy of the Polish employer ID</li><li>• statement of an employer on lack of criminal convictions related to immigration laws in Poland</li></ul>

The statement will entitle you to legal work for a given employer but will not legalize your stay in Poland. This means that you will additionally need to apply for a visa (when abroad) or a temporary residency permit (when in Poland) before your visa-free movement period expires.

### 3.2 Work permits

If you do not qualify or for any other reason cannot apply for a national (D) Poland. Business Harbor visa or a statement but have an employer offering you job in Poland or are posted to work in Poland by an employer located outside of Poland, you can work in Poland under a work permit obtained by your employer.

There are several types of work permits available; type A is for employment by a Polish employer; types C-E are for employment as an employee posted to Poland from abroad.

<b>Validity period</b>	Up to 3 years; can be obtained multiple times
<b>Timing</b>	The procedure takes approx. 1-3 months
<b>Official fee</b>	PLN 100 - 200

<b>Authority</b>	The Provincial Governor's Office for the registered office of the Polish employer or place of work (for C-E work permits)
<b>Main required documents</b>	<ul style="list-style-type: none"> <li>• application form</li> <li>• statistical form</li> <li>• copy of passport</li> <li>• extract from the register or copy of the Polish employer ID</li> <li>• employer statement on lack of criminal convictions related to immigration laws in Poland</li> <li>• certificate from the local labour office and documents proving education, work experience and qualifications (in the case of work permit type A if not preceded by a statement)</li> </ul>

A work permit will entitle you to work legally for a given employer but will not legalize your stay in Poland. This means that you will additionally need to apply for a visa (when abroad) or for a temporary residency permit (when in Poland) before your visa-free movement period expires.

### 3.3 Temporary residency permits

A temporary residency permit can be used as a basis only entitling stay in Poland for more than 90 days for several reasons, as discussed in section 2.

It can be also used as a joint basis for work and stay in Poland.

Temporary residency permits that also allow work in Poland without a need to obtain an additional work authorisation (such as work permit or statement) include:

- residency and work permit –can be applied to most types of work rendered for an employer in Poland
- residency and work permit for highly qualified staff (so called Blue Card) –applies to work in a profession requiring a university degree or at least 5 years of professional experience at a level comparable to a university degree
- residency permit for entrepreneurs - granted to a foreigners whose purpose of stay in Poland is to conduct individual business, act as members of management boards of limited liability or joint stock companies whose shares are held by the foreigner, manage the affairs of a limited partnership or limited joint-stock partnership by a general partner, or act as a commercial proxy.

Type of permit	Residency and work	Blue Card	Entrepreneurs
<b>Validity period</b>	Up to 3 years; can be obtained multiple times		Up to 3 or 5 years; can be obtained multiple times
<b>Timing</b>	The procedure lasts approx. 5-9 months		



<b>Official fee</b>	PLN 340-440 for the permit and PLN 50 for the stay card		
<b>Authority</b>	The Provincial Governor's Office for the place of residence in Poland		
<b>Main required documents</b>	<ul style="list-style-type: none"> <li>• application form</li> <li>• proof of public health insurance or private medical travel insurance valid for Schengen countries of at least EUR 30,000 for the intended visa validity period</li> </ul>		
	<ul style="list-style-type: none"> <li>• certificate from a local labour office and documents proving education, work experience and qualifications (with exceptions)</li> </ul>		<ul style="list-style-type: none"> <li>• document confirming a place to reside in Poland (e.g. rental agreement)</li> </ul>
		<ul style="list-style-type: none"> <li>• employment contract or contract of mandate concluded for a period of at least 1 year,</li> <li>• documents confirming education or work experience</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates from the social security (ZUS) and tax office on lack of arrears in social contributions and in taxes</li> <li>• Documents related to conducted business proving income, employment of staff, etc.</li> </ul>

The above residency permits also entitle stay in other Schengen countries for periods not exceeding 90 days within each 180-day period. They do not, however, entitle work in these countries (local immigration regulations must always be considered).

### 3.4 Poland. Business harbour programme (“PBH”)

If you are educated or have work experience in the IT/New Tech sector and received a work offer from a Poland-based company in the IT sector, you can apply for a national (D) Poland.

A Business Harbor visa will allow you to work and stay in Poland (without a need to obtain a work permit or statement) and to bring your family with you.

A list of PBH partner companies is available on this website - <https://www.gov.pl/web/poland-businessharbour-en/itspecialist>

<b>Remarks</b>	PBH visa holders essentially gain full access to the Polish labor market (they can freely change jobs without a need to change / obtain new visa)
<b>Validity period</b>	Up to 1 year

<b>Timing</b>	Visa applications are processed as a priority within several days
<b>Official fee</b>	No fee is due in the standard track
<b>Authority</b>	Polish Consulates in Ukraine for the place of applicant residence
<b>Main required documents</b>	<ul style="list-style-type: none"> <li>• visa application</li> <li>• passport photograph</li> <li>• copy of passport and original passport</li> <li>• proof of public health insurance or private medical travel insurance valid for Schengen countries of at least EUR 30,000 for the intended visa validity period</li> <li>• invitation from a partner company</li> <li>• document confirming an IT degree or document confirming a least one year of work experience in the IT sector</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• document confirming qualification for the Poland Prize program - if you are establishing a startup</li> <li>• document confirming qualification for the PBH programme by the Polish Investment and Trade Agency - if you operate a small/medium/large enterprise</li> </ul>

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## 4. Family Members

### Temporary residency permits for family members and relatives

You have a right to bring your family to Poland if you legally reside in Poland, . They can apply for a temporary residency permit for family reunification. The list of family members eligible to apply for this type of permit is limited to:

- a spouse (marriage must be recognized by Polish law),
- a minor child (under age 18) - a biological, adopted or other child dependent on a foreigner and over whom the foreigner exercises actual parental authority (e.g. child of a spouse from a previous relationship).

Receipt of a temporary residency permit for other family members (e.g. parents, grandparents, siblings) or other people who lead family life with you (e.g. your partner) is also possible. It is then a temporary residency permit issued due to so-called “other circumstances”.

It is possible to submit an application for a temporary residency permit for family members who are outside of Poland with their written consent. In the case of a foreigner who is a minor, an application for a temporary residency permit is submitted by at least one of the parents or court-appointed guardians.

The procedure for issuing this type of permit follows general principles common to all types of temporary residency permits.

<b>Validity period</b>	The same as validity of stay under your visa or residency permit; can be obtained multiple times
<b>Timing</b>	The procedure lasts approx. 6 months
<b>Official fee</b>	PLN 340 for the permit and PLN 50 for the stay card.
<b>Authority</b>	The Provincial Governor’s Office for the place of family member residence in Poland.
<b>Main required documents</b>	<ul style="list-style-type: none"><li>• documents confirming your legal basis for stay in Poland</li><li>• document confirming legal title to occupy the apartment in which family member stay or intend to stay (e.g. lease contract)</li><li>• documents confirming that a family member has health insurance or that the insurer covers the costs of treatment of a family member in Poland (including, for example, ZUS ZCNA form, insurance policy),</li><li>• civil status records confirming the degree of kinship or affinity recognized by the laws of Poland and bearing an apostille clause</li><li>• evidence of living in a joint household</li></ul>

	<ul style="list-style-type: none"><li>• documents confirming possession of a stable and regular source of income sufficient to cover costs of living for oneself and dependent family members (at least PLN 600 net per person in a family)</li><li>• power of attorney from family member (if proxy is appointed)</li></ul>
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A temporary residency permit for family reunification entitles your family members to work in Poland (without obtaining a statement or work permit) if you reside in Poland based on:

- a permanent residency permit,
- long-term EU residency permit,
- temporary residency permits for at least 2 years prior to the application,
- temporary residency permit to work in a profession requiring high qualifications.

A temporary residency permit for “another” purpose does not entitle the holder to work in Poland without obtaining an additional document legalizing work.



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