

Permanent residence in Poland

Poland provides for two forms of indefinite duration residence permits for foreigners:

- Permanent residence permit
- Long-term EU residence

A foreigner may submit an application for these permits in the majority of cases only after several years of uninterrupted stay in Poland. The necessary duration of stay depends on the current legal status of the applicant.

A request for an undetermined duration residence in Poland must be filed with the Voivodeship Office competent for the place of residence of a foreigner in Poland. The application is submitted for consideration provided that the fingerprints of the alien are sampled. The application cannot be lodged via consulates.

Conditions of filing an application

At the time of the request for the two forms of indefinite duration residence, the foreigner must reside in Poland legally. It is not possible to file an application for a foreigner who stays in prison, a centre of detention etc. or when the voluntary return period has not yet expired, as specified in the decision to return or if the alien is obliged to leave Poland in the context of the decision of refusal or withdrawal of the residence permit or protection.

A foreigner may not request an unlimited duration residence permit even when he/she resides in Poland on the basis of a visa for humanitarian reasons or due to the interest of the State or on the basis of a temporary residence permit issued due to circumstances that require a short stay.

In addition, an alien may apply for long-term EU residence, when he/she stays in Poland:

- to study or for vocational training or apprenticeship,
- on the basis of the right of political asylum, temporary protection, a tolerated stay or a stay for humanitarian reasons,
- pending a decision on the status of refugee or political asylum,
- on the basis of a permit to cross the border in the context of cross-border traffic.

Residence card

After obtaining a permanent residence permit or EU residence, a foreign national receives a residence card. This card entitles to multiple Polish border crossing.

The residence card, issued as a part of a permanent residence permit or long-term EU resident permit, also guarantees the ability to travel in the European countries belonging to the Schengen area. It only gives the right to travel as a tourist, for a period of up to 90 days within each 180 day period. It does not give the right to work in other countries.

The permanent residence permit or long-term resident permit gives the holder the right to stay for

an indefinite period in Poland, the right to work in Poland, without the need to request additional authorization, as well as the possibility of starting a company, completing education and seeking social assistance.

This brochure presents the most important information to obtain a permanent residence permit and long-term EU resident permit. Not all the provisions are however described. The text of the Act on Foreigners is available on the websites: www.cudzoziemcy.gov.pl and www.udsc.gov.pl.

Permanent residence permit

This title replaces the existing settlement permit. It is issued to:

- a child of an alien who has been granted a residence permit or long-term resident permit, when the child remains under parental authority and;
- the child was born after the parent obtained an indefinite duration residence permit in Poland, or
- the child was born when the parent had a temporary residence permit in Poland;
- a child of a Polish national under his/her parental authority;
- a person of Polish descent or to an individual who has a valid Pole's Card, intending to settle in Poland on a permanent basis;
- spouses of Polish citizens, provided that the marriage has existed for at least three years, and the foreigner had stayed in Poland for two years immediately prior to filing the application on the basis of a residence permit issued in the context of marriage, temporary residence, refugee status, status of subsidiary protection or residence permit for humanitarian reasons;
- victims of trafficking in human beings, who stayed in Poland immediately before filing the application at least 1 year on the basis of a temporary residence permit for victims of trafficking in human beings, who have cooperated with the police authorities in the case of offences concerning trafficking in human beings and who have a reasonable fear of returning to their country of origin confirmed by the prosecutor in charge of the case;
- to persons covered by protection in Poland (refugee status, subsidiary protection or a residence permit for humanitarian reasons), who immediately before filing the application stayed in Poland for at least five years;
- persons who immediately before filing the application had stayed in Poland for at least 10 years on the basis of a tolerated stay permit, when the foreigner obtained this status as a form of protection;
- people who have obtained political asylum in Poland.

No permit is granted to a foreign national if:

- the foreign national does not meet the requirements above,
- data is entered into the list of people undesired in Poland or the SIS list for the purposes of refusing entry,
- this is motivated by considerations related to the interests of Poland, defence and security of the State or,

- a fictitious marriage is used as a reason for requesting the permit,
- he/she made false testimony or provided false information or documents in the case
- has tax arrears,
- the foreigner has not repaid the costs associated with the obligation to return,

Foreigners of Polish origin are denied permanent residence only in cases where they do not meet the conditions required to obtain this permit, the security of the State may be threatened, or when, in the process, they have provided false information or false documents.

In the case where the foreigner's data appear in the SIS registry for the purposes of refusing entry, in special cases (for humanitarian reasons) it is possible to grant him/her a residence permit.

Permit shall be withdrawn if:

- this is motivated by considerations related to the interests of Poland and defence and security of Poland,
- the foreigner has made a false statement or has provided false documents,
- he foreigner was found guilty of an intentional crime in Poland and sentenced to more than three years in prison,
- the foreigner left Poland for more than 6 years.

A person of Polish origin does not have his/her permit withdrawn in the case of a Court ruling for any intentional offence, neither when this is required by the interests of Poland.

A person, who obtains a permanent residence permit under a previous permit for political asylum in Poland, loses his/her permanent residence permit in case of loss of political asylum.

The permit may also be withdrawn from a foreigner who acquired it on the basis of a marriage to a Polish citizen and when the foreigner divorced within two years from the date of the permanent residence permit.

Withdrawal of a residence permit

The permit legally expires when the foreigner is granted a long-term residence permit or Polish citizenship.

Uninterrupted stay

Uninterrupted stay is presumed to be that of a foreign national who has not left Poland for more than 6 months and his journeys abroad do not exceed a total of 10 months within the period which is the basis for granting a permanent residence permit.

The calculation of the required stay does not include trips associated with the following situations:

- the exercise of a professional service or work abroad on the basis of a contract concluded with an employer whose registered office is located on the territory of the Republic of Poland;
- joining a spouse or a parent exercising these functions,
- special personal circumstances, which did not, however, result in the absence of more than 6 months,
- leaving Poland for an internship or for activities planned for students at a Polish university.

For people who have the status of refugee in Poland and subsidiary protection, the period of continuous residence is also included in the waiting time for a decision on granting international protection, even if the foreigner remained in custody or in a detention centre at that time.

Long-term EU residence

To obtain this form of residence, it is necessary to fulfil four conditions simultaneously:

- at least five years of uninterrupted stay in Poland, immediately prior to filing the application,
- a stable and regular income source that can cover the cost of the maintenance of dependants,
- health insurance within the meaning of the provisions on universal health insurance or a confirmation of coverage by the insurer for medical expenses in the territory of Poland.
- right to housing.

Long-term EU residence is therefore a possibility of legalizing the stay in Poland for people with a stable professional and financial situation.

Length of stay necessary for a long-term EU resident permit

“The necessary residence time” does not include all types of stay in Poland. Some types of stay count as 50% and others are not taken into consideration at all.

“The necessary residence time” does not include the stay:

- of a worker appointed by a service provider for cross-border provision; or by a cross-border service provider
- on the basis of a Schengen visa issued for humanitarian reasons or due to the interest of the State;
- in order to study in Poland,
- of a person obliged to return whose voluntary return period has not expired,
- of persons obliged to leave Poland after refusal of a visa renewal, refusal to grant another type of residence permit, refusal to grant the status of refugee or any other type of protection.
- of diplomatic and consular staff and persons having an equivalent status on the basis of diplomatic agreements, laws or international customs,

- on the basis of a temporary residence permit due to circumstances requiring a short stay,
- pending a decision on granting refugee status, when this decision was negative,
- in the context of cross-border traffic.

The necessary residence time includes half the time of stay of the foreigner in Poland:

- on the basis of a visa or a residence permit granted for studies or vocational training,
- pending consideration of an application for refugee status;

The necessary residence time includes:

- total legal uninterrupted residence time, provided that it exceeded a total of 5 years, including 2 years immediately preceding the application filed in Poland (for holders of the EU blue card).

- total period of waiting for review of a claim for refugee status, when that period was more than 18 months.

Uninterrupted stay

Uninterrupted stay is presumed to be that of a foreign national who has not left Poland for more than 6 months and his journeys abroad has not exceed a total of 10 months within the period which is the basis for granting a permanent residence permit.

The calculation of the required stay does not include trips associated with the following situations:

- the exercise of a professional service or work abroad on the basis of a contract concluded with an employer whose registered office is located on the territory of the Republic of Poland;
- joining a spouse or a parent exercising these functions,
- special personal circumstances, which did not, however, result in the absence of more than 6 months,
- leaving Poland for an internship or for activities planned for students at a Polish university.

The Act provides for different regulations for holders of the EU blue card if they are residents in another EU Member State. In this case, the Polish law recognizes their stay as an uninterrupted stay, when none of the trips is longer than 12 months, and total absence in Poland does not exceed 18 months.

Refusal of permits

The foreigner is denied a residence permit for long-term EU residence, when he/she does not meet the conditions for its granting or due to considerations of defence, security or public order.

Withdrawal of a residence permit

A foreigner will have their residence permit withdrawn if he/she:

- obtained it illegally,
- poses real and serious threat to the defence or security of the State or public order;
- has left Poland for a period of more than 6 years,
- has left the territory of the European Union for 12 months (or 24 months, when the permit relates to the EU blue card holder or their spouse),
- obtained EU long-term resident status in another country of the EU.
- lost the status of refugee or subsidiary protection, if both were used to obtain EU long-term resident status.

The permit legally expires when the foreigner is granted Polish citizenship.

Defined duration residence permit in Poland is governed by section VI of the Act.

Permanent residence permits are set out in Chapter 1 (articles 195-210). Information on EU long-term residence permits can be found in Chapter 2 (articles 211-225).