

HOW TO STAY AND WORK LEGALLY IN POLAND AS A STUDENT?

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S towarzyszenie Association
I nterwencji For Legal
P rawnej Intervention

LEGAL BASIS OF STAY

1. Visa -free movement

- 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
- 90 days within each 180 days (<https://www.schengenvisainfo.com/visa-calculator/>)

1. **Schengen visa** (up to 90 days)

2. **National visa** (minimum 90 days up to 12 months)

3. **Temporary residence permit**

TEMPORARY RESIDENCE PERMIT

Where to apply?

Voivode (in Warsaw: Voivode of Mazowieckie)

- Register to apply at:

<https://kolejka-wsc.mazowieckie.pl/rezerwacje/pol/login>

- Submit the application via post (you will be asked to come to the office later to give your fingerprints) (**Attention!** Date of submitting the application)
- Submit the application at Marszałkowska st. 3/5 or Pl. Bankowy 3/5 (you will be asked to come to the office later to give your fingerprints)

How much does it cost?

340 PLN

Centrum Obsługi Podatnika, ul. Obozowa 57, 01-161 Warszawa

no. of bank account: 21 1030 1508 0000 0005 5000 0070

TEMPORARY RESIDENCE PERMIT

What requirements do I need to fulfill?

- application lodged during your **legal stay** in Poland (with **4** photos, **2** photocopies of your passport, documents mentioned below) (visa issued by Poland or other EU country, TRC)
- **medical insurance** (amount of insurance: minimum 30 000 EURO)
- proof of **payment of tuition** (current and/or incoming semester)
- **confirmation of enrollment** issued by the University (specific form of the confirmation)
- was not expelled (could lead to a negative decision)
- sufficient **funds** to cover costs of stay, return and studies

TEMPORARY RESIDENCE PERMIT

Sufficient funds

If after **deducting** costs of:

1. housing (rent + utilities), and
2. studies (in practice for 3 semesters), and
3. return to your country (200 PLN if from a neighbouring country, 500 PLN if from EU, Switzerland, Norway, Lichtenstein, Iceland, 2500 PLN other),

you still have more than 701 PLN/month (if you live alone) or 528 PLN/each member of your family/month

CASE STUDY

How much money do you need to have if:

You are from Ukraine and live alone. It is a 1st semester of 2nd year of studies (3 years studies).

You have already paid for the second semester.

Each semester costs 7000 PLN. You pay rent and utilities at the amount of 2000 PLN.

You will apply for permit for 23 months (you will end your studies on June 2022) (November 2020 – September 2022).

TEMPORARY RESIDENCE PERMIT

Sufficient funds – how can I prove it?

- Funds on your Polish **personal bank account** (can be on several bank accounts, can be in different currency), issued the earliest 1 month before your application
- confirmation of **scholarship**
- traveller's check
- limits on your credit card (issued the earliest 1 month before your application)
- **employment contract** (confirmation of employment issued the earliest 1 month before your application)

TEMPORARY RESIDENCE PERMIT

For how long can I receive a permit?

- 1st permit – 15 months (not longer than up to 3 months after your graduation),
- 2nd and next – up to 3 years (not longer than up to 3 months after your studies) **Attention!** When you are about to finish your studies

How long will I wait for the decision in my case?

- 60 days (law); around 8 months for TRC (practice)
- Request for urgent consideration of the case/ complaint to the administrative court on the failure to act

TEMPORARY RESIDENCE PERMIT

Can I prolong my legal stay after graduation?

- residence permit for work
- residence permit to look out for a job (9 months)
- other, i.e. studies, family
- long term EU residency (your stay on a student visa counts as a half)
- permanent residency based on Polish roots

TEMPORARY RESIDENCE PERMIT

WHAT CAN I DO IF I RECEIVED A NEGATIVE DECISION?

1. **Appeal** within 14 days to the Head of the Office for Foreigners (your rights and obligations do not change) **Attention!** You lodge the appeal to the Voivode office.
2. **Leave** Poland and EU countries within 44 days from the date that you were served with a negative decision (30 days if you received a negative decision from the Head of the Office for Foreigners)
3. If you received a negative decision from the Head of the Office for Foreigners you can **lodge a complaint** to the Voivodship Administrative Court within 30 days. Yet, you still have to leave Poland within those 30 days (unless you have valid visa/TRC/other document allowing you to stay in Poland). Otherwise you could be deported.

TEMPORARY RESIDENCE PERMIT

RIGHTS AND OBLIGATIONS DURING THE PROCEDURE

- if applied while staying legally in Poland, you should receive a stamp in your passport
- you can legally stay in Poland during your procedure (also at the appeals level)
- you can return to your country and apply for a visa (**Attention!** You cannot travel within EU without a visa)
- inform authorities about developments **important** for the type of residence permit you are applying for
- you can submit additional documents until the decision is issued

TEMPORARY RESIDENCE PERMIT

IMPORTANT INFORMATION

- **Always** inform administrative authorities if you change your address and check your postmail **regularly**
- **Never** submit false information or documents
- **Always** demand a confirmation if you submitted a document to the authorities or collect a confirmation that you sent a document from the post office
- **Make sure** that all your documents stay valid while you wait for the decision (medical insurance, lease agreement, certificate of enrolment)
- **Make sure** that your lease agreement indicates that your rent covers also utilities or submit receipts for utilities/written statement from your landlord
- All documents must be translated into Polish by a **sworn translator**
- Submit **original documents or copies certified by a notary**

CHANGES DUE TO CORONAVIRUS

- Deadline for the appeal did not change!
- Extention of legal stay, if national visa or TRC ends during the coronavirus (to 30 days after the revocation of an epidemic risk)
- Extention of stay if you were in Poland on 14 March 2020 on Schengen visa or visa free movement (to 30 days after the revocation of an epidemic risk) (you can work with a work permit)
- Extention of work permits

In those situations you do not need to apply for the extention of your residence permit/visa!

RIGHT TO WORK

- Full-time studies (studia stacjonarne) – you **can work without** an additional work permit
- Graduate of a Polish school or University – you **can work without** an additional work permit
- Temporary work permit based on studies – you **can work without** additional work permit
- Students of part-time studies (studia niestacjonarne) or extra-mural education (studia zaoczne) or post-graduate studies staying in Poland on a visa – you **need to get a work permit**

Attention! If you work without a permit you will receive a deportation order!

FAMILY REUNIFICATION

- National/Schengen visa
- Temporary residence permit for family reunification (you need to stay in Poland for at least 2 years based on temporary residence permit) (medical insurance + enough funds + a place to stay) (family member does not have to be in Poland)
- Temporary residence permit based on the need to protect family life (medical insurance + enough funds)
- Other grounds for TRC

QUESTIONS:

- How much bank balance is required for a student visa?
- How to show accommodation to Polish Embassy as its a requirement while applying for visa? (you do not need to show accomodation)
- Our faculty still didn't charge us for the tuition fee. While applying for a Polish visa in China requires us the payment of tuition fee, what could we do in this situation?
- I got a Polish student visa but I applied it under the name of an other school which I had already paid the tuition. Now, I am studying at UW so my question is Will it effect my visa, I mean the next time when my visa is expired, will it hard for me to explain your situation and am I able to get the student visa for another year?

QUESTIONS:

- Can I invite someone to visit me while in Poland? (invitation – 5 years)
- How can I transfer my application for Karta Pobytu from Poznan to Warsaw?
- What is the best way to prove that I am able to legally stay in the country while my documents are still being processed at the Voivodeship?
- I got negative decision, I also lodged an appeal but it takes too time. Can I lodge a new application?

QUESTIONS:

- Do I need to legalise my stay in Poland if I already have PESEL?
- I'm a polish citizen who permanently lives in UK and have not lived in Poland since I was 6 years old. Do I need to legalise my stay for my Erasmus studies in Warsaw?

QUESTIONS:

- Could it be possible that urzad lose your documents and you get a negative answer for karta pobyta?
- The foreigners office said the sent me the letter on september 21th but still haven't received it. I have tried to reach them several times, even I visited the office and they just tell me to wait, but for sure I know something went wrong with the delivery of the letter, and I don't know who to contact. Can you help me please.
- How I can follow up my appeal case ?

QUESTIONS:

- Shall I legalize my stay in Poland or I can get by without doing it as I am a EU citizen? (confirmation from the University, medical insurance, sufficient funds) (registration of a residence of a EU citizen, +3 months)
- Resident permit at my situation (A non-EU citizen who has resident permit in Denmark and will move to Poland soon). Is it a EU long-term residence permit (medical insurance, sufficient funds, confirmation from the University, place to stay)?
- British citizens (exercised their right of residence, are in Poland; new application after 1 January 2021) (draft of law)

QUESTIONS:

- You previously mentioned 2 copies of passport as a needed document among documentation. In order to apply for the Schengen Visa (I am from Italy) do I need to upload copies of my passport or I can just upload copies of my ID card?
- Can someone else be my financial support with an official prove? (I applied to the national visa by this way. My father was my sponsor.) Can I do the same thing for temporary residence permit?
- I am an INDIAN citizen and recently joined as a visiting researcher where my contract (starting from 2nd November 2020) with UW is for 2 years. I came to Poland with my family (wife and infant) on 27th Oct. 2020. Previously, I was living in Italy for two years and my Italian resident of permit is valid till 17.11.2020. I contacted Ms Ewelina Radzewicz at the Welcome Point (UW) for this issue. She suggested me to get a date of appointment as soon as possible to submit my documents. At this moment, I have a date of 3rd Decemeber. Is that the best possible solution for me at this moment?

QUESTIONS?