

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

attorney: Małgorzata Jaźwińska

**S**towarzyszenie Association  
**I**nterwencji For Legal  
**P**rawnej Intervention

# DIFFERENT LEGAL REGIMES

- 1. EU nationals**
- 2. Third-country nationals coming to Poland for studies**
- 3. Family reunification**
- 4. Route to citizenship**
- 5. Covid -19 changes**

# 1. EU NATIONALS

## 1. Free movement of persons (up to 3 months)

- valid ID or passport

## 2. Registration of residence (above 3 months)

- a) Voivodship office; no later than one day after the expiry of 3 months
- b) Necessary documents:
  - application form
  - ID/passport
  - certificate of enrolment to the university
  - medical insurance (i.e. private, state insurance, European Health Insurance Card)
  - proof of sufficient financial means (i.e. bank statement, work agreement) (above 701 PLN/single person/month or 528/person in a family/month)
- c) Risk of a fine (20-5000 PLN)

## 2. THIRD COUNTRY NATIONALS

### 1. Visa-free movement (up to 90 days)

- 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/>)

### 2. Schengen visa (up to 90 days)

### 3. National visa (minimum 90 days up to 12 months)

### 4. Temporary residence permit

# VISA

## **Where to apply?**

Polish consulate in your country

## **Maximum period of validity of a visa**

Schengen (90 days), national 1 year

## **Sufficient funds** counted as for the TRP

## **Prolongation of visa**

- No longer than maximum period
- Voivodship of the place of residence
- Reasons: important personal or professional or humanitarian + unpredictable events at the moment of applying for a visa + indicated reason for stay in Poland is real
- Application during the validity of current visa

# 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**



# TEMPORARY RESIDENCE PERMIT

## CASE STUDY

**How much money do you need to have if:**

You are from Ukraine and live alone. You are to graduate in the end of June 2022 (you apply for a permit until your graduation+3 months → September 2022).

You have already paid for the whole academic year 2020/2021.

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

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	AMOUNT	NO. OF	TOTAL
HOUSING	2 000		
TUITION	7 000		
COSTS OF RETURN	200		
COSTS OF LIVING	701		
		SUM:	

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	AMOUNT	NO. OF	TOTAL
HOUSING	2 000	16 (06- end of 09.2022)	32000
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TUITION	7 000	2 (winter and summer semesters 2021/2022)	14000
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		SUM:	57 416 PLN

# 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)

## **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

## 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 (also during appeal procedure)
- changes to the basis of your application



# TEMPORARY RESIDENCE PERMIT

## IMPORTANT INFORMATION

- **Always** inform administrative authorities if you change your adress 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 insurrance, lease agreement, certificate of enrollement)
- **Make sure** that your lease agreement indicates that your rent covers also utilities or submit receipts for utilities/written statement from your landlord
- All document must be translated into Polish by a **sworn translator**
- Submit **original documents or copies certified by a notary**
- Procedure **in Polish**

# 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) (**Attention!** Different COVID regime)
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. **Attention!** Different COVID regime.

# TEMPORARY RESIDENCE PERMIT

## APPEAL PROCEDURE

- **Formal appeal** – only to meet the deadline
- Possibility to supplement **additional documents** and justification of the appeal – until the decision is reached
- In Polish
- You have to meet the requirements the day the decision is reached by the 2nd instance authority
- High success rate

# 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 half)
- permanent residency based on Polish roots

### 3. FAMILY REUNIFICATION

- Visa (for family visits, family reunification – after obtaining TRP)
- Temporary Residence Permit for family reunification (underage children and a spouse)
  1. You stay in Poland based on TRP for at least 2 years (your current TRP is for at least a year)
  2. Medical insurance
  3. Sufficient funds
  4. Place to stay
- TRP based on other ground (studies, work, etc.)

## 4. ROUTE TO CITIZENSHIP

### 1. Long-term EU resident

- 5 years of uninterrupted stay (TRP for studies count as half, Schengen visa does not count)
- Regular and stable source of income (for at 3 years in a row)
- Medical insurance
- Knowledge of Polish
- Place to live

### 2. Citizenship

- 3 years of uninterrupted stay based on long-term EU resident permit
- Regular and stable source of income
- Place to live
- Knowledge of Polish

# CHANGES DUE TO CORONAVIRUS

- Extension of legal stay, if national visa or TRC ends during the coronavirus (to 30 days after the revocation of an epidemic risk)
- Extension of stay if you were in Poland on 14 March 2020 on Schengen visa, residence permit issued by another EU country or visa free movement (to 30 days after the revocation of an epidemic risk) (you can work with a work permit)
- Extension of work permits

**In those situations you do not need to (but you can) apply for the extension of your residence permit/visa!**

- At the border – you have to prove that you are currently enrolled at the University or have valid TRP; no quarantine

<https://www.strazgraniczna.pl/pl/cudzoziemcy/covid-epidemia-koronawi>

# 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 residence 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**
- Erasmus mobility and EU nationals – can **work without** additional work permits

**Attention! If you work without a permit you can receive a deportation order!**



# QUESTIONS?