

# Refugee status and subsidiary protection in Poland: Next steps



# **Refugee status and subsidiary protection in Poland: Next steps**

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## Refugee status and subsidiary protection in Poland: Next steps

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**CHOICES**

3<sup>rd</sup> edition

Warsaw 2016

# Introduction

The first guide for refugees, *Applying for international protection: My rights and obligations*, describes what happens during an international protection procedure. It is followed by the present guide, which may be called “Me afterwards”, i.e. after completion of my international protection procedure, after the decision to legalize my stay in Poland and to grant me one of the two forms of protection. The authors lead the foreign reader step by step through: Individual Integration Programme, public assistance, health assistance, right to education in Poland, employment, taxes, running a business by a foreigner in Poland, social insurance, and regulations concerning travelling abroad. The publication also describes what circumstances lead to losing refugee status. The final part of the guide contains information on granting a foreigner Polish citizenship as well as entering into a marriage in Poland.

We wish to draw the reader’s special attention to the issues which are highlighted as “important” in each section. These are issues frequently raised in the work of refugee counsellors – issues that refugees tend to forget about or are simply unaware of their importance, such as meeting deadlines or the need to ask questions, etc. The authors are experienced lawyers affiliated with the department of Legal Assistance to Refugees and Migrants at the Helsinki Foundation for Human Rights, including lawyers who are continuously involved in providing legal assistance to refugees and migrants, ones who can draw on the 20-year experience of the Programme.

This third revised and updated guide for foreigners addresses the needs of foreigners who have been granted international protection and want to settle down in Poland. 2016 is a special time when refugees from Syria, Africa as well as from other countries will come to Poland. We offer them guidelines, information, and advice which they will find useful.

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of the Polish Academy of Sciences**

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# First steps after being granted refugee status or subsidiary protection

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Have you been granted refugee status or subsidiary protection? If yes, apply for **individual integration programme** as soon as possible. If your family members live in another country, you are entitled to apply for family reunification. This means that your spouse and minor children will be granted temporary stay permit and will be able to come to Poland.

# 1 ➔ Residence card

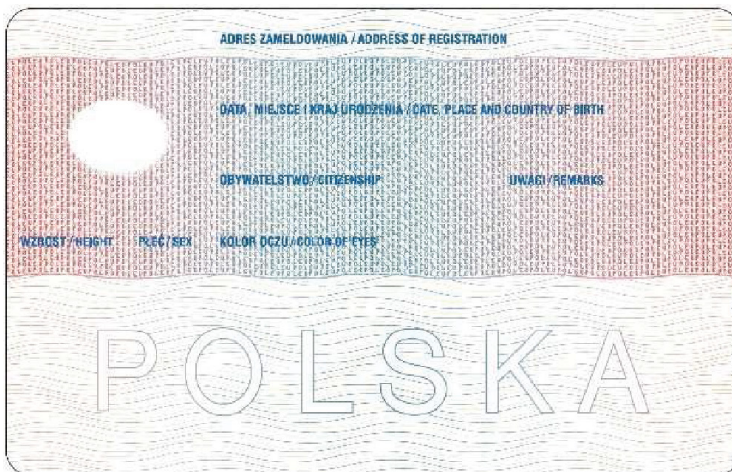
A residence card confirms your identity and the legality of your stay in Poland. Along with a travel document, it also entitles you to multiple border crossing without the requirement to obtain a visa. A residence card features information regarding the form of protection you have received in Poland. Remember to have it with you at all times.

## The card looks like that:

front:



back:



In order to obtain a residence card, you need to submit an application with two photographs at the Office for Foreigners. The first application requires no fees. Your fingerprints will be taken on the submission of your application.



THE APPLICATION FORM CAN BE FOUND ON THE WEBSITE OF THE OFFICE >>>  
[WWW.UDSC.GOV.PL](http://WWW.UDSC.GOV.PL) >>> ZAKŁADKA „DO POBRANIA” >>> „WNIOSKI”



**IMPORTANT!** If the decision regarding your international protection application also covered your children, you should submit a separate application for a residence card for each child.

The following should be attached to your application:

- 2 photographs;
- a photocopy of a valid travel document or another document confirming your identity (if you do not have a travel document);
- proof of temporary residence (if you are not a registered tenant, enclose a certificate stating the lack of residence address; such certificates are available from the local Town/ City Council).

**If you are not a registered tenant or do not have a PESEL number (Polish identity number), you can also apply. If this is the case, respective fields will be empty.**

Issuing a residence card or its replacement requires a fee of PLN 50. It should be wired into the Office for Foreigners bank account. A residence card fee for a minor who has not turned 16 at the moment of submitting the application is PLN 25.



**If you are in a difficult financial situation, your fee can be lowered to PLN 25.**



**NOTE!** The fee for the card may be higher in two situations:

- if your card has been lost or damaged due to your fault – **PLN 100**;
- if you lose or damage your card again – **PLN 150**.

You need to collect your card in person at the Office for Foreigners at ul. Taborowa 33 in Warsaw. A minor's card who is younger than 13 needs to be collected by their legal representative, i.e. a father, mother or a legal guardian.

**The card is issued:**

- for **3 years** if you were granted a refugee status;
- for **2 years** if you were granted subsidiary protection.



**IMPORTANT!** The fact that the card is only valid for a few years does not mean that you will have to apply again for protection when this period expires (this means that you will not need to submit another asylum application). You need to, however, apply for another card 30 days before the expiry date of your present card. This is a simple replacement of an identity document.

**You need to replace your card if:**

- any information included on the card changes (e.g. if you change your residence address);
- your appearance has changed to the extent that it hinders identification;
- your card has been damaged to the extent that it is difficult to use it;
- it is past its expiration date;
- your card has been lost.



**IMPORTANT!** If you fail to replace your card, despite the fact you are obliged to do so, you can be fined.

If you lost your card or are not in possession of it for a different reason (e.g. it has been stolen), you are obliged to notify the Head of the Office for Foreigners within 3 days of the days when it was lost. At the same time, you should apply for a replacement. If you, however, happen to find your card once a replacement has been issued, you are obliged to return the previous card immediately (you cannot be in possession of two valid residence cards at the same time).

**REMEMBER to return the card in the following situations:**

- you have been granted Polish citizenship – after you have received a document confirming this fact;
- if a decision on the invalid status of the card has been issued;
- if the card-holder has died.

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MORE INFORMATION >>> CAN I APPLY FOR A PERMANENT STAY PERMIT?

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MORE INFORMATION >>>  
CAN REFUGEE STATUS OR SUBSIDIARY PROTECTION BE REVOKED?

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## 2 >> Geneva travel document

Once you have been granted refugee status, you are entitled to apply for the so-called Geneva travel document. This application needs to be submitted to the Head of the Office for Foreigners along with 3 photographs.

**This is what a Geneva travel document looks like:**





The Geneva travel document is valid for **2 years**. Once it has expired, you are required to apply for it again.

The Geneva travel document **acts as a passport** – you do not need to apply for a travel document to your country of origin.

### 3

## Family reunification

### Can I bring my family to Poland?

**Yes.** An application for a temporary stay permit for a member of your family who is staying in a different country needs to be submitted to the proper provincial governor (*wojewoda* in Polish). Application needs to be submitted on a form which is used for applying for any other type of temporary stay.



THE FORM IS AVAILABLE EITHER AT THE PROVINCIAL OFFICE OR THE FOLLOWING WEBSITE >>> [HTTP://UDSC.GOV.PL/DO-POBRANIA/WNIOSKI/](http://udsc.gov.pl/do-pobrania/wniosk/)



**REMEMBER!** In this procedure, family members are understood as:

- **spouse** – marriage needs to be recognised by the Polish legal system (e.g. polygamous or same-sex marriages are not recognised by the Polish law);
- **minor children**, i.e. children who have not turned 18 yet

If you are an unattended minor yourself (none of your parents are present in Poland), you can apply for reunification with your grandparents.

**You need to be aware that proving kinship often is a time-consuming and expensive process.**

Before submitting your application, you can approach a non-governmental organisation providing assistance to refugees and migrants, which will help you with collecting required documents.



**IMPORTANT!** Submit your application within **6 months** from the day you received your refugee status or subsidiary protection decision as then you will not be obliged to prove that sufficient financial resources to support your family are at your disposal. You can also submit the application after the 6-month period has passed, however you will need to prove a stable and regular source of income.



**The following need to be attached to the application:**

- **civil status documents** (birth and marriage certificates) authenticated by the Polish consulate;
- **copy of all pages of a family member's travel document** with whom you want to reunite (also authenticated by the Polish consulate);
- **4 photographs** of a family member with whom you want to reunite



PHOTOGRAPH REQUIREMENTS CAN BE FOUND HERE >>>  
[HTTP://UDSC.GOV.PL/FOTOGRAFIE](http://udsc.gov.pl/fotografie)



This application requires a fee of **PLN 340**

The following links to short movies, in three language versions, explain the family reunification procedure:



POLISH >>> [HTTPS://WWW.YOUTUBE.COM/WATCH?V=TJIYZE2D2WK](https://www.youtube.com/watch?v=TJIYZE2D2WK)



RUSSIAN >>> [HTTPS://WWW.YOUTUBE.COM/WATCH?V=IG1UBGIMYCW](https://www.youtube.com/watch?v=IG1UBGIMYCW)



ENGLISH >>> [HTTPS://WWW.YOUTUBE.COM/WATCH?V=AZZIKKOQ8B4](https://www.youtube.com/watch?v=AZZIKKOQ8B4)



# What is Individual Integration Programme (IIP)

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## 1 What is IIP and how long does it last?

Individual Integration Programme (*Indywidualny program integracji* in Polish) is arranged between the State Centre for Family Assistance (*Powiatowe Centrum Pomocy Rodzinie* in Polish; henceforth PCPR) and the foreigner in question. The scope and forms of assistance depend on the individual's and their family's situation and are agreed on alongside the obligations of the two sides of the agreement, i.e. PCPR and the foreigner. This programme is addressed to foreigners who:

- have been granted refugee status in Poland;
- have been granted subsidiary protection in Poland;
- have been granted a temporary stay permit in order to reunite with their family, i.e. a foreigner who has been granted a refugee status or who has been granted subsidiary protection.

The objective of IIP is to support foreigners in the process of integration with the Polish society in the period immediately following granting them refugee status or subsidiary protection. The assistance forms available should be tailored to your individual needs – you will have influence on the content of the programme. You will receive one copy of the IIP (the second copy will be kept by a PCPR employee), so you will be able to read about the activities planned whenever you like.



**NOTE!** Foreigners who are spouses of Polish citizens cannot participate in the IIP.



**IMPORTANT!** Your IIP application needs to be submitted within 60 days from the day you were granted refugee status or subsidiary protection status. If you miss the deadline, you are no longer entitled to IIP.

The application should be submitted to the PCPR located closest to your place of residence (if you live in Warsaw, you should apply to the Warsaw Family Assistance Centre (*Warszawskie Centrum Pomocy Rodzinie* in Polish)).

You should use a special IIP application form, which is available on the PCPR website or at the PCPR office. In the application, you will have to declare that you intend to live in the given voivodeship (*województwo* in Polish) and that you have not submitted such an application in another voivodeship. You will also have to declare that you are willing and ready to implement the provisions of the IIP.

Moreover, a copy of the decision granting you refugee status or subsidiary protection, stay permit, and Geneva travel document (if you were granted refugee status) should be enclosed with the application. Other documents which may help develop the integration programme including those which will allow the authorities to learn more about your family, employment, and health situation, and hence to select the forms of assistance which will take into account your individual needs and help you get started in Poland, should be submitted as well.



**IIP assistance can be provided for a maximum period of 12 months.**



## **What will I receive within IIP?**

- You may receive cash benefits amounting from PLN446 to PLN1225 per month per person, especially for purchasing food, clothes, cleaning products, bills, and Polish language courses;
- After enrolling in IIP, you are insured, so you are entitled to use free public healthcare;
- You will be assigned a social worker, who will assist you in solving issues you will face in the first months in your new environment;
- You are entitled to contact advisers or specialists of your choice (including legal, psychological, and family assistance) as well as non-governmental organisations;
- You are entitled to information concerning active job-seeking and to advice on writing your CV and application letter, or preparations for a job interview.



**REMEMBER!** The aim of the IIP is to adjust the assistance you receive to your actual needs, so you will have influence on the kind of assistance you will receive and what specialist services you will be able to use (e.g. a lawyer, psychologist, doctor, head of a housing association, etc.) Tell your social worker about your needs while the IIP is still under preparation – in this way, you will be able to make better use of the programme.



## **What are my obligations within IIP?**

IIP is a set of rights and obligations of the two parties to the agreement: the benefactor and the beneficiary. You are entitled to a spectrum of various benefits (a detailed description of the types of assistance is to be found in the following subchapter), however you also need to fulfil certain obligations.

## You should:

- register at your place of residence;
- register at a job centre responsible for your place of residence;
- start seeking job actively, so that you are able to maintain yourself and your family once IIP has come to an end;
- attend Polish language courses;
- regularly contact your social worker (at least twice a month), and inform them of any significant changes;
- take up any activities agreed on with the social worker and relevant to your situation.

If you do not fulfil these conditions, your assistance may be revoked.



## 4 What are the reasons for revoking assistance within IIP?

If you do not adhere to rules which you and your social worker agreed on while designing the programme, your assistance can be revoked.

Also, your assistance will be revoked if:

- you are absent from your Polish language classes without a justification;
- you spend your benefits on purposes other than those you declared;
- you provide your social worker with false information regarding your situation;
- criminal proceedings are conducted against you, until the conclusion of the proceedings;
- your stay in a hospital or a specialist clinic lasts longer than 30 days.

Assistance is ceased for a specific period of time. Benefits can be reinstalled if your conduct improves; however, if the situation does not improve, you may be denied assistance within IIP.



**IMPORTANT!** Submitting an application for an IIP does not necessarily entail that you will be granted assistance. Moreover, if you have been convicted by a final and binding sentence for an intentional crime, or if your refugee status or subsidiary protection is revoked, the local administrative official (*starosta* in Polish) will have the right to revoke the decision granting assistance to you and your family.



## What happens to IIP if I move when it is in progress?

Change of address when your IIP is in progress is possible if and only if:

- you find employment in a different location;
- you receive accommodation in a different location;
- you want to reunite with your family living in a different location;
- you require specialist treatment, which cannot be provided to you in a given county (*powiat* in Polish)

You will have to provide evidence for any of these circumstances (e.g. an employment contract, local authority decisions, medical opinions, etc.). Once you have been granted approval to change your place of residence, you will be able to continue your IIP which is carried out by the local PCPR.



**NOTE!** If you leave your place of residence, located within the borders of a given voivodeship, which was indicated to you by IIP organisers, your participation in the programme will be cancelled!

# Public assistance



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# 1

## Am I entitled to public assistance?

**Yes.** Once your IIP has come to an end, you are entitled to public assistance on the same principle as Polish citizens, i.e. when you are unable to meet the basic needs of your own and your family. The present income threshold which entitles one to social assistance is PLN634 for a person living alone and PLN514 per person in a family. If your monthly income exceeds these amounts, your application for assistance is likely to be rejected.

Polish welfare system is extensive and seems complicated at first glance. Most responsibilities, however, lie with Social Assistance Centres (*Ośrodek Pomocy Społecznej* in Polish, henceforth OPS), each of which has jurisdiction over a different municipality. Another institution to which you can turn for assistance is the PCPR (in the case of Warsaw the PCPR is called the Warsaw Family Assistance Centre «*Warszawskie Centrum Pomocy Rodzinie* in Polish»). The addresses of all the Social Assistance Centres are available in the offices of the respective local authorities (city district »*dzielnica* in Polish«, municipality »*gmina* in Polish«) or county (*powiat* in Polish) and on their respective websites.

In order to obtain assistance from any of the above-mentioned institutions, you need to turn to them with an application.



**REMEMBER** to state clearly what kind of assistance you expect and for what purpose.



**NOTE!** Before a decision on whether to grant you assistance is taken, a social worker will visit you to learn more about your and your family situation to determine the most appropriate assistance.

# 2

## What is a permanent benefit?

A permanent benefit (*zasitek stały* in Polish) is a financial aid within public assistance whose beneficiaries can be people in a difficult situation unable to maintain themselves, such as:

- **an adult single person who is unfit to do physical work** (also due to being a senior) if their income is lower than the threshold set for such persons, i.e. at present it is **PLN 634**
- **an adult with a family, unfit for work** if their income, as well as income per person in the family, are lower than the threshold set for a person in a family, i.e. at present it is **PLN 514**





- Here, a **single person** is understood as a person running a household alone.
- A **family** is understood as related persons who are co-habiting and running a shared household.

**Total inability to work** means being unfit for work as stipulated by the pensions regulations from the Social Insurance Fund, or being included in the 1<sup>st</sup> or 2<sup>nd</sup> disability group, or being severely or moderately disabled as stipulated by the social rehabilitation and employment of the disabled regulations.

**Inability to work due to old age** is understood as being 60 years old for women and 65 for men.

- In case of a single person running a household, the benefit is determined as the difference between the income threshold for a single person and the income of this person, however the benefit cannot be higher than **PLN 444**.
- In case of a person living with a family, the permanent benefit is determined as the difference between the income threshold per person in a family and this person's income.

**The amount of a permanent benefit cannot be lower than PLN 30 per month.** In case a given person qualifies for both a permanent benefit and a social pension, the permanent benefit does not apply. Permanent benefits are funded by the state budget.



### 3 What is a temporary benefit?

**A temporary benefit** (*zasitek okresowy* in Polish) is a financial aid within public assistance whose beneficiaries are persons and families without income or with income lower than statutory income and financial resources which do not guarantee meeting basic needs. The period for which the benefit is granted is decided on by the municipal social welfare centre on an individual basis. The following are entitled to a temporary benefit:

- 1 a single person running a household whose income is lower than the threshold for a single person running a household, i.e. **PLN 542**;
- 2 a family whose income is lower than the threshold for a family, in particular due to:
  - prolonged illness,
  - disability,
  - unemployment,

- the opportunity to receive or obtain benefits from other systems of social insurance.

**Family income** – the total income of all family members.

**Family income threshold** is determined as the income threshold multiplied by the number of family members, i.e. the amount of PLN514 and the number of people in the family.

**Income threshold for a single person running a household, at present, amounts to PLN 634.**

The amount of a temporary benefit:

- in case of a single person running a household – amounts to the difference between income threshold of a single person running a threshold and this person's income, however this amount cannot be higher than **PLN 418** monthly;
- in case of a family – amounts to the difference between the family income threshold and this family's income.

## 4 What is a designated benefit?

A designated benefit (*zasitek celowy* in Polish) is financial assistance granted for a specific purpose, e.g. for paying bills, purchasing food, clothes/footwear, school textbooks, medicines and, in some cases, also essential domestic appliances. You may either receive the money first and then provide a receipt/bill, or receive the precise amount needed by presenting a receipt/bill; the latter option is used in the case of household bills. Each time, you have to prove that you apply for public support because you have no funds of your own to cover the expenditure.

## 5 What are non-cash benefits?

Non-cash benefits are such assistance whereby a Social Assistance Centre provides services instead of money, e.g. paying for school dinners for children, issuing food vouchers, paying health insurance premiums, buying public transport passes or paying for a vocational training course. It is a very useful form of assistance because it will allow you to avoid many formalities – centre staff will handle them for you.



## Am I entitled to a maternity benefit when my child is born?

**Yes.** The so-called *becikowe* is a one-off payment to which every family is entitled when a child is born. The amount payable is PLN 1000. The application should be submitted to the nearest Social Assistance Centre within 12 months from the child's birth. You will receive it under the condition that your family income per person does not exceed PLN 1922.



**IMPORTANT!** An additional requirement to receive this benefit is submitting medical documentation of the pregnancy which proves that the first medical check-up was performed before the 10<sup>th</sup> week of pregnancy.



## Am I entitled to the “Family 500+” benefit when my child is born?

**The project “Family 500+” is a system of family support.** Foreigners whose stay permits include the note “access to the labour market” (*dostęp do rynku pracy* in Polish) are entitled to this assistance. This note is placed on a foreigner's stay permit by a provincial governor once the foreigner has secured a permanent stay permit. At present, the Head of the Office for Foreigners does not place such notes on stay permits issued to foreigners who have been granted refugee status or subsidiary status.

Given that once you have been granted permanent stay permit or Polish citizenship, you will be able to apply for the benefit in question, which amounts to PLN 500 and is granted to parents or legal guardians, irrespective of income, for the second and subsequent child until they turn 18. Also the first child receives this benefit provided that the income is lower than PLN 800 per person in a family. If the child is disabled, this threshold rises up to PLN 1200. This benefit can be received by parents, legal or actual guardians of the child. If the child is taken care of by two parents, only one of them can receive the benefit.



**IMPORTANT!** At the moment of writing the guide, the “Family 500+” bill has not come into force yet hence the lack of practical tips and directives concerning the implementation of this benefit.



## Am I entitled to apply for social or municipal housing?

**Yes.** You should submit your application for social/municipal housing to the local authorities (borough leader or *wójt* in Polish/mayor or *burmistrz* in Polish) of the municipality (*gmina* in Polish)/city district (*dzielnica* in Polish) in which you live. Once your application has been examined and a positive decision has been made, you will be entered onto the waiting list. Unfortunately, the procedure for granting such a flat is not short and sometimes it may even take several years. However, if you live in Warsaw, you should know that the city authorities have dedicated five social flats for which foreigners who have been granted refugee status or subsidiary protection and have completed their IIP may apply. This does not mean that you cannot apply for a flat within the regular procedure – to this end, you should submit an application to the mayor of the municipality in which you live.

## Health care

# IV

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People who have been granted refugee status or subsidiary protection are entitled to the same health care services as Poles. This means that free health care is conditional on the payment of **health care insurance**.

**People who are insured with the National Health Fund (*Narodowy Fundusz Zdrowia* in Polish; henceforth NFZ) are guaranteed free-of-charge access to the following services:**

- **basic health care services** (family doctor, known also as General Practitioner »GP« or a family medicine consultant);
- **vaccinations;**
- **diagnostic testing** (laboratory or other), specialist outpatient care;
- **rehabilitation;**
- **hospital care and medical rescue services, emergency ambulance services and medical transport.**

After IIP has been completed, within which health care insurance premiums are paid, the obligation to pay premiums lies with:

- **your employer** – if you are employed (mandatory health care insurance related to e.g. your employment contract or a short-term work contract);
- **County Job Centre** (*Powiatowy Urząd Pracy* in Polish) or Social Assistance Centre (OPS) if you are registered as unemployed;
- **you may also pay the premium yourself** if you submit an application to the NFZ to cover you with voluntary health care insurance. You will be insured from the date specified in the agreement until the date of termination of the agreement, or until you are more than 1 month late with the payment of your insurance premium.



## What documents constitute proof of health insurance with NFZ?

**Among others, these are:**

- a health insurance application form (*druk zgłoszenia do ubezpieczenia zdrowotnego* in Polish) and the latest ZUS RMUA report from your employer (if you are employed);
- a health insurance application form and the latest premium payment confirmation (if you are self-employed);

MORE INFORMATION IN >>> HEALTH CARE INSURANCE

- a pensioner card;

- a contract with NFZ and a ZUS statement confirming insurance application along with the latest premium payment confirmation (if you pay your premiums on your own);
- the latest certificate from the Job Centre that you have been insured (if you are registered as unemployed).



**NOTE! You may catchment area restrictions do not apply to health care services.** You can see a doctor at any health care institution which has signed a contract with NFZ. The first place that you need to report to in a medical centre or hospital is the **reception desk**.

At present health care providers are in possession of an IT system which verifies whether a given person is insured or not. In case the system fails to confirm the validity of your insurance, it is advisable to bring a document confirming your insurance.



## How can I and my family members get medical assistance?

If you are insured under one of the above-mentioned schemes, you should register at a medical centre and choose your General Practitioner (*lekarz rodzinny* in Polish) who will provide you with basic health care services. Once you have completed this registration, in case you require medical assistance, you should report to the medical centre you have registered with, where you will be provided with the required assistance.

In case you require assistance of a consultant specialist, diagnostic tests or hospital treatment, or similar services, your GP should issue a referral. **Referrals guarantee you specialist health care services.**



### NOTE!

**A referral is not required if you want to see the following consultants:**

- gynaecologist and obstetrician;
- oncologist;
- psychiatrist;
- venereologist;
- dentist.

In most cases, the treatment is free of charge and you will not pay any fees. **However, there are some services for which you have to pay.** The NFZ does not cover the costs of services which are not included in the lists of guaranteed services specified in the Ministry of Health regulations. For example, not all dentistry procedures are free of charge. You may also need to bear the costs of purchasing medicines, auxiliary products or orthopaedic equipment prescribed by your doctor.

In Poland, children under 18 years old are entitled to free health care, even if they are not insured. The cost of their treatment are covered by the State Treasury. However, each insured **person is obliged to report for health insurance purposes those members of their family who are not otherwise entitled to health insurance.** The following persons are considered family members:

- your own children;
- spouse's children;
- adopted children;
- grandchildren;
- unrelated children under your formal guardianship, as well as unrelated children in a foster family, until they are 18 years old;
- spouses: a husband, wife (but not cohabiting partners), ascending relatives (parents, grandparents) who share a household with the insured person.



**NOTE!** If a child continues education after turning 18, they may be reported for insurance as a family member until their 26th birthday. After that, if they are not entitled to insurance due to other circumstances, they should notify their school or university, which will be obliged to report them for NFZ insurance.



**NOTE!** Children with certified significant disability or other children in a similar condition may be reported for insurance without age limits.

Children who are **under 19 years old** and attend school are covered by **preventive health care** which includes medical and dental examinations, rehabilitation programmes, health awareness education and health emergency education. Preventive health care is provided by district nurses or school nurse who usually have their health prevention and first aid offices on the school premises.



### 3

## How is medical assistance provided in emergencies and life threatening situations?

An emergency is a health condition in which any delay in providing medical help may result in loss of health or life. In emergencies, health care is provided immediately and without referral, and you are entitled to use the services of a nurse, midwife, doctor, or hospital also ones **which have no valid contract with the NFZ.**



**IMPORTANT!** In life-threatening situations, you should call an ambulance by dialling:

- 112 or 999 from a mobile,
- or 999 from a landline.

You should answer to the operator's questions and follow their instructions regarding first aid. The operator should confirm the fact that the request for ambulance has been accepted.

### 4

## What should I know about prescriptions?

If you are entitled to health care financed from public funds, you are also entitled to prescribed **medicines, special food products, and medical products refundable by the state.** Any doctor may give you a prescription for refundable medicines. In order for you to obtain them, the prescription must contain the following information:

- specific information concerning the service provider and the person prescribing the medicines;
- your personal details (first name, surname, address);
- data concerning the prescribed medicines;
- the number of the respective NFZ branch;
- your PESEL number;
- in case of persons younger than 18 years old, their age needs to be provided as well.

The prescription must also bear the date of its issue, the date on which you may purchase the medicine (or an "X" if it has not been specified), and a handwritten signature and stamp of the person who issued the prescription.



**NOTE!** The pharmacist is obliged to inform you that you may buy medicine other than the one prescribed which can be cheaper, medicine with the same international name, dosage, pharmaceutical form, and therapeutic indication.



## 5 What rights do I have as a patient?

**Among others, you are entitled to:**

- 1 health care services provided with due diligence and meeting the requirements of the state-of-the-art medical knowledge;
- 2 be enrolled on a fair waiting list, based on medical criteria if access to health care services are limited;
- 3 demand a second medical opinion;
- 4 select your doctor, nurse and midwife within the basic health care system, and a specialist doctor within the specialist outpatient health care system;
- 5 information: on your rights, on the type and scope of services provided by a given service provider and on the staff providing these services, on the state of your health, on your diagnosis, on the diagnostic and treatment methods, the foreseeable effects of (not) implementing those methods, on treatment results, and on your prognosis;
- 6 give your informed consent for a specific health care procedure;
- 7 refuse to accept a particular health care procedure or demand that a particular health care procedure be discontinued;
- 8 respect for your intimacy and dignity as a patient;
- 9 access to medical documentation concerning the state of your health;
- 10 respect for your private and family life;
- 11 additional nursing care;
- 12 pastoral care;
- 13 report your objection to a doctor's opinion or decision to the Medical Committee (*Komisja Lekarska* in Polish) at the Health Service Ombudsperson (*Rzecznik Praw Pacjenta* in Polish) if the opinion or decision affects patient rights and/or obligations.



## **My Polish is not fluent enough to communicate with the doctor. Where can I seek assistance?**

Most doctors speak foreign languages. If, however, your doctor does not use a language you understand, you should request an interpreter. You can take advantage of free services of integration councillors working for non-governmental organisations, who also serve in the capacity of interpreters, for example, during medical examinations.

**LIST OF NON-GOVERNMENTAL ORGANISATIONS WHICH PROVIDE ASSISTANCE TO FOREIGNERS**

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# V

## Education

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## 1 Can my children attend school?

**Yes.** In Poland, **school education of children under 18 years of age** is not only their right – **it is also a legal obligation.** This means that no child may be refused the right to go to school, regardless of nationality, ethnic background, legal status or document held. Foreign children have access to education and care in public kindergartens, primary schools (*szkoła podstawowa* in Polish), middle schools (*gimnazjum* in Polish), high schools (*szkoła średnia* in Polish), technical high schools (*technikum* in Polish) and vocational schools (*szkoła zawodowa* in Polish) on the same principles as Polish citizens.



## 2 Can my children attend kindergarten?

**Yes.** Pre-school education is provided for children aged between 3 and 6 years. Pre-school education is free of charge if it does not go beyond the core curriculum.

Additionally, pre-schooling is compulsory for all children aged 5, i.e. they should receive one year of pre-school education in kindergarten or otherwise (e.g. pre-school classes organized on the premises of primary schools). It is the duty of parents to ensure that their children receive pre-school education (**see:** section on compulsory schooling).

Admission rules to kindergartens, application deadlines and admission criteria are specified independently by different municipalities (*gmina* in Polish), so they may differ depending on your place of residence. As a rule, you can sign up online, but you can also fill in an application form and submit it to the kindergarten of your choice.

A kindergarten cannot reject your child due to their nationality other than Polish, inability to speak Polish, etc. However, it may happen that there will not be enough places in the kindergarten of your choice. This is because the admission system is based on specific criteria, e.g. priority is given by default to children of single parents or parents who are disabled/unable to work, and to children from foster families. Other groups may also be given priority (e.g. children from families with many children). Naturally, your place of residence is also of importance.

Therefore, in some circumstances it may turn out that your child will not be admitted to one or more kindergartens of your choice, and you will need to decide on a kindergarten which still has free places. The kindergarten should, however, be located no further than 3 kilometres from your place of residence. If it is located further than that, the municipality is under the obligation to provide free transport for each child or reimbursement of such costs for the child and the caretaker.



### What is compulsory schooling?

Compulsory schooling means that all children have to attend primary school and middle school, be it public or private. It is the duty of parents to ensure that their children attend such schools (and receive pre-schooling education).

#### As a parent, you are obliged to:

- enrol your child in a school;
- make sure your child attends classes;
- make sure your child has proper conditions for studying.



### How can I enrol my child in primary school?

You may enroll your child in a primary school using the Internet or in person at the school of your choice (**see:** rules of admission for children to kindergarten). Foreign children are enrolled in 1st grade schooling according to the same rules as children with Polish citizenship. Admission to grades 2-6 of state primary schools and to state middle schools is based on specific documents.



**REMEMBER** that the school cannot refuse admitting your child because they have no certificate or other document concerning their school education in another country.

If you have no documents certifying that your child has received a certain level of education, the school should direct your child to the appropriate grade on the basis of an interview. If your child does not speak Polish, the interview should be conducted in the language they speak and, if necessary, the school principal should arrange for an interpreter.



**IMPORTANT!** Not being able to speak Polish cannot be the reason for refusing to admit your child to school.

## 5

### What comes after primary school?

After the completion of grade 6 of primary school, students take a school-leaving exam. The exam results and the primary school certificate will be considered when you apply for admission of your child to a given middle school. Following completion of middle school, compulsory schooling continues in a post-middle school, such as high school, technical high school, vocational school or, for instance, in the form of a vocational training with an employer. The duty to attend school concerns everyone until they are 18 years of age or graduate from a post-middle school. Up to this point, education is **free of charge** – as it is for Polish citizens.

However, only specific groups of foreigners can attend tertiary-level public schools on the same principles as Polish citizens. These groups include, among others, foreigners with refugee status or subsidiary protection and members of their families (i.e. a spouse and supported children).

## 6

### What additional rights does my child have as a foreigner?

- 1 **the right to additional, free-of-charge Polish language classes** – a foreign child who has just started attending a Polish school with Polish as the language of instruction will not fully benefit from the classes until they master Polish to a certain degree. Therefore, attending Polish language classes from the very beginning of the child's education in a Polish school is very important. Polish language classes should be conducted in groups or as one-on-one classes with a minimum of 2 lessons Polish lessons a week. At the same time, these classes should not overlap with others.
- 2 **the right to an assistant**, a person who speaks the child's native language and is employed as a teacher assistant (for not longer than the initial 12 months of schooling) The assistant should help the child integrate within the school. The assistant should speak the language the child speaks, they should try to resolve any conflicts that may arise and mediate between the teacher and the student if the two do not speak the same language.
- 3 **the right to additional remedial classes** (for a maximum period of 12 months of schooling). If there is a major gap in the knowledge of a particular subject between your child and other students, such classes, aimed at filling this gap, are in the interest of both your child and the other students. Therefore, when a teacher of a particular subject finds it necessary, the school organises additional remedial classes, which may be one-on-one or group classes; the number of such classes per subject is one lesson a week. Additional classes should not overburden your child, so they can have no more than 5 additional lessons per week.

- 4 **the right to learn the language and culture of the country of origin**, classes are organized at school by a diplomatic or consular post of your home country or by a cultural and educational association of your nationality; such classes will only be organized in a primary or middle school if there are at least 7 foreign children wishing to attend them.

**IMPORTANT!**

**Remember that:**

- 1 your child has the right to education and, at the same time, is obliged to pursue education until they are 18 years old;
- 2 a child cannot be refused to be admitted to a kindergarten or school due to the fact that they cannot speak Polish, or to differences in curricula, or due to lack of school certificates from the country of origin;
- 3 a child cannot be refused education due to such reasons as cultural differences, religion, ethnic or racial background.



## **What assistance am I entitled to when I send my child to school?**

Attending school by your child entails additional costs. If you find yourself unable to cover them, you are entitled to seek assistance.

- 1 **Scholarship** (*stypendium szkolne* in Polish) – may be granted to a student who is in a difficult financial situation due to low per person income in their family, e.g. if the family faces such problems as unemployment, disability, severe or chronic illness, issues associated with supporting many children, alcohol or drug addiction, if it is a single-parent family, or in case of a misfortune. This allowance may take the form of covering the costs of participation in certain educational activities (e.g. additional classes, remedial classes, school trips), school textbooks as well as the form of cash benefits. The allowance is granted for a period of 1 to 10 months and may be paid monthly or otherwise (also as a one-off payment). The value of the allowance differs with regard to your place of residence as it is set by the relevant municipality. As a rule, application for this scholarship should be submitted at the school attended by your child. When your application is processed, the income per person in your family will be examined. For this reason, certificates or statements concerning your income will be required, or the fact that you are receiving public assistance benefits. Remember to submit the application until 15<sup>th</sup>



September each year. Only in justified cases can the application be submitted past this deadline.

- 2 **Schooling benefit** (*zasilek szkolny* in Polish) – can be granted to a child irrespective of whether they are already a benefactor of the scholarship if the student is in temporary difficult financial situation due to a misfortune. The application should be submitted no later than within two months from the date of the misfortune. A schooling benefit may be granted in cash or in kind, up to several times a year.
- 3 **Allowance for the beginning of a school year** (*dodatek na rozpoczęcie roku szkolnego* in Polish) – you can apply for it at the beginning of a school year at a Social Assistance Centre (OPS), or the respective Town or City Council.
- 4 **Hot meal** – children are entitled to one hot meal per day during schooling. This right can be implemented through purchasing the meal at the school premises. The application should be submitted at the Social Assistance Centre (OPS) with the required documents attached. Also in this case income per person in your family will be examined.



## 8 Does Poland offer free university education?

**Yes.** Persons who have been granted refugee status or subsidiary protection as well as members of their families who are staying in Poland on the basis of a fixed-term residence permit may study, at state universities on the same principles as Polish citizens, i.e. without the requirement to pay university fees. In order to study on a particular course at university, you have to pass the admission procedure in place. You may also apply for scholarships (maintenance, scholarly achievement, food allowance, hall of residence allowance).



# Employment and taxes in Poland

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## Employment in Poland

Once you have been granted refugee status or subsidiary protection, you may work in Poland on the same principles as Polish citizens, which means that you do not need a work permit. The only restriction that applies is that you cannot hold some special roles where Polish citizenship is required, e.g. in state offices.



## What taxes are there in Poland?

There are both direct and indirect taxes in Poland. Direct taxes are paid directly to the revenue services (*Urząd Skarbowy* in Polish) by the taxpayer. Direct taxes include e.g.: personal income tax, corporate income tax, inheritance and gift tax and transaction duty. Indirect taxes, on the other hand, are included in the prices of goods. Therefore, it is not paid directly to the revenue services, but rather to the seller who then pays the tax. Indirect taxes include, for example, value added tax (VAT) and excise tax.

Below we will focus on **personal income tax** because you will deal with this tax most often – you will pay it if you work and received income. Personal income tax, as a rule, needs to be paid by all natural persons who earn income. If you live in Poland (i.e. the centre of your vital interests is located in this country and you reside here more than 183 days per year), you are obliged to pay taxes on all received income to the Polish State Treasury (also the ones you earn outside Poland). Thus if you earn income outside Poland, in order not be subjected to double taxation (i.e. the country you work in and Poland at the same time) you need to check whether there is a double taxation treaty between Poland and the country you work in. A list of such treaties (in Polish and the language of the other country) can be found on the website of the Polish Ministry of Finance.

If you do not have a place of residence in Poland, you will only be obliged to pay taxes on income earned in Poland, for example, from:

- employment contract, contract for specific work (*umowa o dzieło* in Polish), mandate contract (*umowa zlecenie* in Polish);
- pension;
- self-employment;
- non-agricultural business activity;
- rent, sub-rent, lease, etc.;
- sale, among others, a property.

There are various ways of collecting personal income tax. When you are employed by one employer, the payer (in this case, your employer) usually deducts the tax on income from your

monthly salary in the form of prepayments to the revenue services. However, if you run a non-agricultural business activity, you are responsible for paying personal income tax in the form of prepayments.



After the end of a given tax year (e.g. 2015), employers and any operators you worked with are obliged to send you the co-called PIT-11 document until the end of February the following year (in this case – 2016). The PIT-11 is a tax document which specifies the income you obtained from these operators. Then, until 30th April next year (2016 in this case) all taxpayers are obliged to file tax return forms (on an appropriate PIT-11 form) to the respective Revenue offices.

Following that, the Revenue office verifies the tax return form taking into account the prepayments that were made during the year. If the sum of prepayments is less than the sum of the tax due, you are obliged to pay the difference, e.g. by making a bank transfer to your Revenue office bank account. If, however, the sum of prepayments exceeds the tax due, the overpaid tax will be returned to you (e.g. by transferring it to the bank account you indicated or by postal order).



### What is NIP and am I obliged to have it?

**NIP**, a tax identification number (*Numer Identyfikacji Podatkowej* in Polish), is a number that until recently every natural person was obliged to receive. However, as of 1<sup>st</sup> January 2012, most taxpayers can use the PESEL number in their dealings with revenue services; it also concerns taxpayers who do not run a business or those who are not registered VAT payers. Other entities still must have a NIP number; in order to be assigned one, you need to apply to the revenue office.

If you use only the PESEL number, you need to notify the revenue services of any change of place of residence or bank account (e.g. where your tax prepayment surplus will be transferred) by filling in the ZAP3 form.



THIS FORM IS AVAILABLE IN REVENUE OFFICES AND THE WEBSITE  
OF THE MINISTRY OF FINANCE >>> [WWW.MF.GOV.PL](http://WWW.MF.GOV.PL)



## What is a PIT?

A PIT is personal income tax. Every taxpayer, who for example works in Poland, is obliged to submit their annual tax return declaration. All data concerning this tax need to be provided on a dedicated form which are labelled with specific numbers. You will have to submit a specific PIT form if you, for example, are employed by a Polish company (also under, for example, a mandate contract) or run a business. Detailed and up-to-date information concerning the appropriate PIT forms, as well the forms themselves, can be found on the website of the Ministry of Finance or at revenue offices.

Guidelines on filling in PIT forms can be found on the website of the Ministry of Finance.



YOU CAN ALSO USE AN INTERACTIVE FORM AVAILABLE ON THE INTERNET AVAILABLE HERE >>> [HTTP://WWW.FINANCE.MF.GOV.PL/PP/E-DEKLARACJE/FORMULARZE/PIT](http://www.finance.mf.gov.pl/pp/e-deklaracje/formularze/pit)

During the period of submitting tax return declarations, various newspapers offer CDs with applications assisting in filling in PIT forms.

As a rule, you should submit your tax return declaration yourself. In some cases, they can be submitted, for example, by your employer upon your request.



**REMEMBER THE APRIL 30TH DEADLINE!** This is the last day to submit your tax return declaration (PIT-37 or PIT-36). You may submit it earlier (from 1st January), especially when, for example, you work abroad and frequently leave Poland.

This deadline applies even if you stay outside Poland for most of the year but you earn your income here.

If you miss the deadline, you will put yourself at risk of substantial fines! Failure to submit your PIT is considered a tax offence and, in some cases, even a tax crime (depending on the tax due).

Every taxpayer who earned any income during the tax year is obliged to submit their annual tax return declaration on a PIT form even if they incurred losses or only broke even. Therefore, the fact that this tax is called “income” tax does not mean that you do not have to submit your tax statement if you did not make a profit in the year under consideration.

Taxpayers running a business are also obliged to submit an annual tax return declaration even if their business was suspended for the whole year and they did not earn any income.

## Annual tax return declaration can be submitted:

- at the revenue office;
- by post (if you post your PIT as an unconfirmed letter, the date of submitting your tax return declaration will be considered to be the date of the receipt of the letter by the Revenue office; if you send a slightly more expensive 'tracked and signed' (polecony in Polish) letter, the date of dispatch is considered to be the tax return declaration dispatch date);
- at a Polish consulate (the posting fee usually amounts to EUR 18);
- online, through an application that can be downloaded from the Ministry of Finance website:



[HTTP://WWW.FINANSE.MF.GOV.PL/PP/E-DEKLARACJE](http://www.finanze.mf.gov.pl/pp/e-deklaracje)



**REMEMBER** to carefully check your PIT form before sending it!

## **Business activity**

VII



**How can I set up my own business in Poland?**

**p. 46**



## How can I set up my own business in Poland?

Persons who have been granted refugee status or subsidiary protection, and their family members who are staying in Poland on the basis of a fixed-term residence permit due to family reunification, **may set up and run a business on the same principles as Polish citizens.**

Therefore, you can run a business as a self-employed person on the basis of an entry in the central business activity register (*Centralna Ewidencja Działalności Gospodarczej* in Polish). You may register your business online.



THE RELEVANT INFORMATION IS AVAILABLE AT >>> [WWW.CEIDG.GOV.PL](http://WWW.CEIDG.GOV.PL)

**Your business activity can also take other forms, such as:** general partnership (*spółka jawna*), partnership (*spółka partnerska*), limited partnership (*spółka komandytowa*), limited joint-stock partnership (*spółka komandytowo-akcyjna*), joint stock company (*spółka akcyjna*), and limited liability company (*spółka z ograniczoną odpowiedzialnością*). If you are planning to run any of these entities, you need to register them with the National Court Register.

The form of running your business to a great extent depends on you. When making the choice, you should primarily take into account the type of business you are planning to set up.

Detailed advice is provided, among others, by **university business incubators** (*akademicki inkubator przedsiębiorczości* in Polish) located in most cities. These entities provide free assistance in establishing and running one's own business, as well as information on business funding possibilities. Appointments should be made in advance.

Contact details of the office in Warsaw through which you can also get information on university business incubators in other cities:



### **University Business Incubators (Akademickie Inkubatory Przedsiębiorczości)**

ul. Piękna 68, II piętro

00-672 Warszawa

tel.: (22) 745 19 19

faks: (22) 628 20 27

e-mail: [biuro@przedsiebiorca.pl](mailto:biuro@przedsiebiorca.pl)



## Social insurance



Social insurance is insurance payable to the insured if they are unable to work. Each person in employment is covered by social insurance, irrespective of their nationality. Also, it does not depend on the form of your employment, i.e. you can be a contracted worker, provide services within a mandate contract, or run a business in Poland. The location of your work is the most important criterion for social insurance eligibility.

There are several types of social insurance benefits, such as pension (*emerytura* in Polish), ill-health pension (*renta* in Polish), sick pay and accident allowance. However, in order to acquire the right to those benefits, you usually have to meet several requirements associated with age or employment duration.

Usually, the **employer** (both in the case of a regular and mandate contract) is the social **insurance premium payer** (i.e. the entity that calculates and pays the premiums). However, in certain situations, it is Social Assistance Centre (OPS) – if you are a beneficiary of public assistance – or the County Job Centre – if you are unemployed.



**IMPORTANT!** It is the duty of the employer to provide you with proof of payment of social insurance premiums once every year (the so-called RMUA document).

The following state authorities are responsible for issues concerning social insurance: the Polish Social Insurance Institution (*Zakład Ubezpieczeń Społecznych* in Polish) or the Agricultural Social Insurance Fund (*Kasa Rolniczego Ubezpieczenia Społecznego* in Polish). You may check with these authorities whether your employer pays premiums for you, and complain if the premiums are not paid.

# IX

## Contact with public officers: my rights and obligations

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## 1 Inspecting whether a foreigner is entitled to stay in Poland

The Border Guard, Customs Authorities (*Służba Celna* in Polish) and Police have the right to check whether a foreigner is entitled to stay in Poland. Employees of the Office for Foreigners, Voivodship Offices and the National Labour Inspectorate (*Państwowa Inspekcja Pracy* in Polish) may also check foreigner's entitlement to stay in Poland, but only in connection with their statutory duties.

An inspection may be planned but it may also be carried out ad hoc (e.g. a police officer has the right to check your entitlement to stay in Poland when they notice you crossing at a red light).

Before the inspection begins, the officer should provide you with their rank, name and surname, and the legal basis for the inspection. If the officer is wearing civilian clothes, they should also present you with their badge. Upon request, they should make it possible for you to note down the number of their badge, the issuing authority, and their name and surname.

If you do not speak Polish, officers should provide a translator during inspection. People with the right to inspection can demand that you present your stay permit or the Geneva travel document; it is your obligation to present such document.



**IMPORTANT!** In order to avoid problems, you need to carry a valid identity document with you when you are outside your home at all times.

If you fail to produce any document during inspection, you may be asked to give your fingerprints in order to establish your identity. This procedure takes place at a Police or a Border Guard station. If, as a result of the inspection, the officer determines that your stay in Poland is legal, they will write a memo of the check in their notepad.



**It must be borne in mind that when performing their duties, officers are under the obligation to respect human dignity and human rights.**

Apprehension is a short-term detention. The Police may apprehend you if you are a threat to somebody's life, health or property, or if you are suspected of committing a crime. If you pose a threat you may be apprehended only if other measures (such as a caution) have proved pointless or ineffective.

The maximum period of apprehension is 48 hours. This period can be extended by another 24 hours if an application to the court for an arrest warrant was issued. The court then has 24 hours to decide whether the person in question should be arrested. It needs to be remembered that these are maximum apprehension times – the law says that an apprehended person must be released as soon as the reasons for the apprehension cease to exist.

Once the apprehended has been taken to a police office, the following procedures are carried out:

- providing information on the rights of the apprehended:
  - you have the right to file a complaint to the court against the apprehension (this can be done within 7 days from the apprehension),
  - you may voice your opinion about the reasons for apprehension,
  - you may inform a person of your choice and your employer, university, or school about your apprehension,
  - you may contact a lawyer, and talk directly to a lawyer, your consulate or embassy;
- interview with you about the apprehension;
- writing up of the apprehension report and providing the apprehended with its copy (a receipt of confirmation is needed).



**IMPORTANT!** If you have been apprehended, remember to keep the apprehension report, as it contains key information about the apprehension, which may be useful if you decide to file a complaint to the court concerning the apprehension.

If your identity cannot be verified on the basis of the document, a police officer can photograph, fingerprint or present you to other people, who could confirm your identity. If a need arises, you should undergo a medical examination.

You are also entitled to file a complaint against your apprehension to the court. The complaint should be delivered to the court immediately and immediately investigated by the court. If your

complaint is accepted, you will be released. If, in your opinion, the apprehension was clearly groundless and the court confirms this, you will have the right to bring your case to the regional court to sue the Police for damages.



## What is a fine?

A police officer may fine you for committing an offence (e.g. violation of traffic code). A fine can be levied if:

- the perpetrator was caught while or immediately after committing the offence;
- the police officer ascertains either personally, in the absence of the perpetrator, or with the aid of a measuring device (e.g. a portable speed camera) on condition that there is no doubt as to the identity of the perpetrator.

The maximum fine is PLN 500, unless more than one offence has been committed (in this case the maximum fine is PLN 1000).

### Types of fines:

- **fixed penalty notice** (*mandat kredytowany* in Polish) – issued to the perpetrator caught while committing the crime;
- **'in absentia' fine** (*mandat zaoczny* in Polish) – if the perpetrator is absent at the scene of the event; it can be left behind a windscreen wiper of an improperly parked car);
- **cash fine** (*mandat gotówkowy* in Polish) – paid to the police officer; such fines can only be imposed on persons who are in Poland temporarily or have no permanent place of residence in Poland.



**IMPORTANT!** You have the right not to accept a fine (the police officer should inform you of this possibility). If you refuse to accept the fine, the Police will apply to the court to penalize you.

Naturally, police officers do not have to fine you every time you commit a minor offence. A police officer may instruct or warn you that if you get caught once again committing the same crime, the fine will be imposed.

## 4

### What should you do if you believe that a police officer has exceeded their authority?

With the exception of the above-mentioned possibilities (e.g. a complaint about the apprehension to the court), you can also:

- file a complaint to the public prosecutor against the actions of the Police
- file a complaint on the actions taken by police officers to the head of the local police branch;
- report a crime committed by police officers to the public prosecutor;
- sue police officers for compensation and damages if your personal rights have been violated or you have suffered damage (e.g. your health has suffered) during the actions taken by the police.

## 5

### How do I report crimes?

In Poland, prosecution of a crime usually commences when the relevant authorities (e.g. public prosecutor, police) receive reliable information that a crime has been committed. At this point, the so-called preparatory proceedings (*postępowanie przygotowawcze* in Polish) begins. The source of information about the crime is irrelevant and may include police patrols and press articles, but most often crimes are reported by their victims or witnesses.

There is also a set of crimes persecuted on the victim's explicit request or in private prosecution (in this case, the wronged party files the indictment, as is the case with insults), however this concerns a rather insignificant number of crimes.

There is no specific way of reporting crimes – you can do it by phone (e.g. if you are witnessing a robbery or a family row), write a letter to the public prosecution or to the police, or report the crime in person at a police station. If it is done in person, the police officers will write a crime notification transcript, in which they will state that crime and describe witness testimony.



**If the wronged party does not speak Polish, the law enforcement authorities are obliged to provide an interpreter.**

If you want to report a crime, it is advisable to find and identify witnesses of that crime and obtain their contact details so that they could later testify in your case. Immediately after

the crime has been reported, the public prosecutor or the police is obliged to issue a decision on whether preparatory proceedings will be launched.

The person reporting the crime should be notified whether the proceedings have been launched or not, or discontinued within 6 weeks. If the deadline has passed and you have not received the decision, you can file a complaint to the superior public prosecutor (*prokurator nadrzędny* in Polish) or one appointed to supervise this prosecutor office.



## **Travelling after you have been granted refugee status or subsidiary protection**



**Travelling within the Schengen Area and beyond it**

**p. 55**



**Polish travel document for foreigners**

**p. 56**



# 1

## Travelling within the Schengen Area and beyond it

If you want to travel to one of the countries which are a member of the Schengen Area, and you are in possession of a stay permit issued by the Polish state, you can stay in any Schengen country for **90 days in any 180-day period** without the need to be a visa-holder.

In order to exercise this law, you also have to:

- be in possession of a valid travel document (e.g. passport, Geneva travel document, Polish travel document for foreigners);
- justify the destination and conditions of the proposed stay;
- be in possession of sufficient financial means for the duration of your stay and the return.

Moreover, your personal data cannot be entered into the Schengen Information System for the purpose of refusing entry, or considered a threat.



**REMEMBER!** If you want to stay in a given country for more than 90 days, you are obliged to legalise your stay in accordance with the regulations specific to the destination country. If you fail to do this, your stay there will be considered illegal after 3 months.

If you want **to travel outside Poland**, make sure whether visa is required in order to enter another country and stay there. Many countries have lifted visa requirements for foreigners (but not for people who have been granted subsidiary protection), under the condition that they are in possession of a Geneva travel document (if their stay in a given country does not exceed 3 months). Remember to always check what are the conditions of entering and staying on a given state's territory (for example, if the visa requirement has been lifted).



**IMPORTANT!** Before making a decision to travel, it is necessary to contact the embassy (consulate) of your destination country!



**IMPORTANT!** Travelling to your country of origin can trigger proceedings resulting in revoking your refugee status or subsidiary protection.

WHAT IS A GENEVA TRAVEL DOCUMENT? >>> CHECK IN CHAPTER 1: FIRST STEPS AFTER BEING GRANTED REFUGEE STATUS OR SUBSIDIARY PROTECTION.



## Polish travel document for foreigners

If you have been **granted subsidiary protection**, you can apply for a Polish travel document. The application needs to be submitted in the Voivodeship office in your area of residence, and requires a fee of PLN 100.

A Polish travel document will be issued to you if:

- you have lost your passport or
- your passport has been damaged or
- your passport has expired,

and at the same time, you are unable to obtain a new passport from the authorities of the country of your origin. Therefore, holding subsidiary protection is not sufficient in order to receive a Polish travel document for foreigners – you also need to satisfy the above-mentioned conditions.

**This is what a Polish travel document looks like:**





A valid Polish travel document entitles you to multiple border crossings, for **up to 1 year**. After that period, you need to apply for this document again.

In case you were **refused a Polish travel document for foreigners**, you may appeal against this decision. This appeal needs to be filed within 14 days from the receipt of the negative decision through the Voivodeship office which issued it to the Head of the Office for Foreigners.



**IMPORTANT!** Despite the fact you are a Polish travel document holder, you are still obliged to take measures in order to obtain passport from the country of your origin.



## **Revocation of protection status**



**Can my refugee status or subsidiary protection be revoked?**

**p. 59**



## Can my refugee status or subsidiary protection be revoked?

As a rule, refugee status and subsidiary protection are granted for an indefinite period of time. The law precisely stipulates the conditions of revoking international protection.

### **Authorities may revoke your refugee status, for example, if you:**

- returned to the country of origin and settled there;
- you have voluntarily accepted protection of a country you are a citizen of;
- you have acquired new citizenship and you are under the protection of the state whose citizen you have become (e.g. you have been granted citizenship of the French Republic and France now protects you as its citizen)
- you have withheld information or documents, or presented false information or documents of significance for the asylum proceedings;
- you have committed a crime against peace, a war crime or a crime against humanity, as understood by international law.

### **Authorities may revoke your international protection, for example, if:**

- the circumstances which were the reason for granting you subsidiary protection no longer exist or have changed in such a way that you no longer require protection;



**IMPORTANT!** The decision-making authorities may conclude that your subsidiary protection is no longer needed if you travel to your country of origin, even if you did so in order to visit your family or friends.

- there are serious grounds to believe that you have committed a crime against peace, a war crime or a crime against humanity, as understood by international law;
- there are serious grounds to believe that you have committed a crime in Poland or an act outside Poland which is a crime according to Polish law;
- there are serious reasons to believe that you pose a threat to state security or to the safety of the society;
- it has been revealed that you have withheld information or documents or presented false information or documents of significance for the asylum proceedings;
- it has been revealed that after you have been granted subsidiary protection, you had committed a crime under Polish law punishable by prison sentence or you left your home country for the sole purpose of avoiding punishment.

Decisions on revoking refugee status or subsidiary protection are issued by the Head of the Office for Foreigners.



**IMPORTANT!** You may appeal against this decision to the Council for Foreigners within 14 days from the receipt of this decision.

In case you received a decision on revoking your refugee status or subsidiary protection you have the right to **free-of-charge legal assistance system** if you have insufficient income to pay legal fees.

Free legal assistance can be provided by:

- selected attorneys and solicitors and
- some non-governmental organisations.



**IMPORTANT!** You can receive assistance of only one attorney or solicitor or a lawyer affiliated with a non-governmental organisation.



A LIST OF ATTORNEYS, SOLICITORS, AND NON-GOVERNMENTAL ORGANISATIONS CAN BE FOUND AT >>> [WWW.UDSC.GOV.PL/URZAD/BEZPLATNA-POMOC-PRAWNA](http://WWW.UDSC.GOV.PL/URZAD/BEZPLATNA-POMOC-PRAWNA)

**REMEMBER** that you need to bring your identity document (e.g. passport, residence card) and the original decision against which you want to appeal to the first meeting with your lawyer.

Before using the free legal advice, **you need to sign the following statements:**

- that your income does not exceed the amount stipulated by relevant bills;
- that you have not appointed an attorney or solicitor of your choice with regard to revoking your international protection;
- if the assistance is provided by a non-governmental organisation, you are aware of the fact that the assistance is not provided by a solicitor or an attorney.

**and authorise the lawyer in person.**

**Free legal assistance includes:**

- preparing an appeal against the decision of the Head of the Centre for Foreigners to revoke your refugee status or subsidiary protection;
- legal representation in appeal proceedings (i.e. until the decision by the Council for Refugees has been issued).



**IMPORTANT!** The lawyer, within free legal assistance, **will provide help only at the stage of appeal proceedings**, i.e. from the day the Head of the Office for Foreigners issued their decision until the decision made by the Council for Refugees. After the Council for Refugees has reached a decision, approach a non-governmental organisation providing legal assistance to foreigners (you can find a list of such organisations at the end of this guide).

# XII

## Permanent residence and Polish citizenship

- 1 >> Can I apply for permanent residence? p. 63
- 2 >> Can I apply for a long-term EU resident status? p. 64
- 3 >> Can I apply for Polish citizenship? p. 65





## Can I apply for permanent residence?



**IMPORTANT!** Permission for permanent residence can be given if immediately before filing the application you have stayed in Poland for an uninterrupted period of **5 years** due to having been granted refugee status or subsidiary protection.

The 5-year period in Poland should be **uninterrupted**, however minor breaks are permissible. A stay is considered to be uninterrupted if none of the one-off breaks during this stay exceeded 6 months, and if the combined duration of the breaks did not exceed 10 months within the period of 5 years (unless it was a result of, for example, a medical treatment).

In order to apply for a permanent residence permit, you need to submit a suitable application in the nearest Voivodeship Office which is subject to a fee of PLN 640.

### **You will be refused this permit, for instance, if:**

- you do not satisfy all conditions for granting such a permit, e.g. 5 years have not yet passed since the date of your asylum application submission;
- you are on the list of foreigners who are unwelcome in Poland;
- your data has been entered in the Schengen Information System with the purpose of denying you entry into the Schengen area;
- it would be against the interests of national defence and security, or the interests of public safety and security, or the interests of Poland;
- in the course of the permanent residence permit proceedings:
  - **a** you have submitted an application or documents containing false personal details or other false information;
  - **b** you have given a false testimony or withheld the truth, or falsified or altered a document in order to use it as an authentic one, or have actually used such a document;
- you fail to adhere to Polish tax regulations;
- you did not repay the costs of a deportation which had been financed by the state budget.

If you receive a decision to grant you permanent residence, you are entitled to a residence card whose validity is **10 years**.



## Can I apply for a long-term EU resident status?

You will be granted long-term EU resident status if you have stayed on the territory of the Republic of Poland legally and **at least for an uninterrupted period of 5 years and:**

- 1 you have stable income which suffices to cover your maintenance costs and of the family you support;
- 2 you hold a proper health insurance;
- 3 you are legally entitled to stay in a residential property.

The requirement of a stable and regular income is satisfied if you have had **such income for 3 years** of your stay in Poland immediately before applying for long-term EU resident status.



**IMPORTANT!** As a rule, the 5-year period of your stay in Poland includes **only a half of the duration of your stay in Poland during your international protection proceedings**. The whole period will be included in the 5-year period only if the proceedings lasted more than 18 months.

The 5-year period in Poland should be **uninterrupted**, however minor breaks are permissible. A stay is considered to be uninterrupted if none of the one-off breaks during this stay exceeded 6 months, and if the combined duration of the breaks did not exceed 10 months within the period of 5 years (unless it was a result of, for example, a medical treatment).

In order to apply for long-term EU resident status in Poland, you need to submit a suitable application in the nearest Voivodeship Office which is subject to a fee of PLN 640.

**You will be refused this status, for instance, if:**

- you do not satisfy all conditions for granting such status, e.g. your stay in Poland is shorter than 5 years;
- it would be against the interests of national defence and security, or the interests of public safety and security, or the interests of Poland;

If you receive a decision to grant you long-term EU resident status, you are entitled to a residence card whose validity is **5 years**.



## Can I apply for Polish citizenship?

**Yes.** There are different ways of seeking Polish citizenship for people who have been granted refugee status or subsidiary protection.

**If you have been granted refugee status, you will be declared a Polish citizen if:**

- you have been granted a permanent stay permit in Poland due to with regard to your refugee status and
- your stay in Poland was uninterrupted for 2 years (for this document on the basis of this permit).



**If you have been granted subsidiary protection, and you wish to apply for Polish citizenship, the first step is to be granted a permanent residence permit in Poland.**

**You can be declared a Polish citizen if:**

- you have stayed in Poland for an uninterrupted period of 3 years on the basis of the permanent residence permit, you have a stable source of regular income in Poland and you are legally entitled to stay in a residential property;
- you have stayed in Poland for an uninterrupted period of 2 years on the basis of a permanent residence permit and have been married to a Polish citizen or you do not hold any citizenship;
- your stay in Poland has been legal and uninterrupted for at least 10 years and you hold a permanent residence permit (it is irrelevant when it was issued, however it is important that you hold one when applying), you have a stable and regular source of income in Poland, and you are legally entitled to stay in a residential property



**IMPORTANT!** Regardless of whether you hold refugee status or subsidiary protection, when applying for Polish citizenship, you are obliged to prove your knowledge of the Polish language by presenting a certificate of graduating from a Polish school or a certificate of graduating from a foreign school with Polish as the language of instruction.

**An application for Polish citizenship should be submitted to a voivode.**

**The fee for granting you Polish citizenship is PLN 219.**



Both, in cases of being a refugee status- or subsidiary protection-holder, you can apply for Polish citizenship (without satisfying conditions specified above) by submitting an application to the president of Poland (through a voivode or consul).

# Entering into a marriage in Poland



- 1 >> What documents are required in order to get married in Poland? p. 68
- 2 >> Can I get married if I am not in possession of required documents? p. 68
- 3 >> What is the procedure at the register office? p. 70
- 4 >> How long will I have to wait for getting married? p. 70
- 5 >> Getting married – what next? p. 71

Every person, including foreigners staying in Poland who are applying for refugee status, are entitled to enter into a marriage. This can be done in a register office (*Urząd Stanu Cywilnego* in Polish) of your choice.



## What documents are required in order to get married in Poland?

In order to get married, both partners should present the **following documents** at the register office:

- an identity document confirming their identity (it can be the Temporary Certificate of Foreigner's Identity valid at the time of entering into a marriage);
- abridged copy of a birth certificate;
- a document from the foreigner's country of origin confirming the ability to enter into a marriage according to the Polish law (sometimes it happens that foreigners are in possession of single status certificates, however this document is **not sufficient**).

Moreover, if one of the partners willing to get married has already been married, they should present the following:

- an abridged death certificate of their former partner or
- an abridged copy of a decree absolute or final order.

If these documents are in a language other than Polish, they should be translated into Polish by a sworn translator, and only then submitted to a register office.



## Can I get married if I am not in possession of required documents?

If you are not in possession of any of the required documents to enter into a marriage, you can submit a court application to be exempt from the obligation to submit these documents.

This application needs to be filed at the district court in one's area of residence by a person willing to get married. Apart from indicating the relevant court, the originator, and the partner willing to get married, you need to provide reasons due to which you fail to obtain documents required to enter into a marriage.

Copies of documents should be enclosed with the application which should be submitted with a proof of a paid fee, i.e. PLN 100 (to this end, you can purchase court fiscal stamps at the court and stick them on the application).

**Moreover, if one of the partners willing to get married does not speak Polish, it is advisable to additionally apply an interpreter assistance.**

If you cannot afford to cover the costs of court proceedings (frequently, apart from the PLN 1000 fee, you will also have to pay for the interpreter and document translation), you can also apply to be exempt from paying the court fee. This application should contain information on the number of family members and the financial means at your disposal. All of the above-mentioned documents should be submitted or their copies.

The application can be taken to the court and filed in the dedicated office (*biuro podawcze* in Polish). In this case, it is advisable to have another copy of the application whose receipt can be confirmed by the clerk (by putting a stamp and a signature on it). **A stamped and signed copy of the application will constitute proof of filing it.** The application can also be sent by a 'tracked and signed' letter – in this case you need to retain the proof of posting.

Once the application has been submitted, the court will decide on the date of hearing. The law does not stipulate the deadline in this case, and it can take as long as several months as it depends on the volume of cases that the court needs to process.

Before the hearing, the court sends the two partners willing to get married summons to appear in court on a specified date. These are sent to the address provided on the application, hence if there are any changes of your place of residence, remember to notify the court in writing about this fact.

During the hearing, the court examines the circumstances you provided in your application and questions the partners willing to get married about the circumstances of entering into a marriage.

Frequently, the court makes a ruling during the first hearing. In order to obtain the ruling from the court, it needs to become final, a process which lasts three weeks. After this period the court sends this decision by post. However, in order to receive the document faster, you can collect it from the court office in person rather than have it sent to you – you need to indicate that you prefer the second alternative during your court hearing. Make sure whether the ruling is in accordance with your will and the contents of your application!

**Final court ruling is to be submitted to the register office instead of the document which the foreigner was not in possession of.**

### 3

## What is the procedure at the register office?

If all documents have been collected, and the head of the registry office concludes that they suffice to proceed with the marriage ceremony, you can submit these documents to the office. Upon submitting the documents, both partners willing to get married are obliged to sign a statement to the effect that they are unaware of any impediments to marriage.

While your visit to the register office, the partners make a decision on whether they are willing to change their surnames to the surname of the other partner, or retain their present surnames. They also need to decide on the surnames of their children.

If one of the partners willing to get married does not speak Polish, then, the presence of a **sworn translator** is required during the wedding ceremony. This needs to be arranged for by the partners. The translator should be able to produce a certificate confirming that they have been entered on the sworn translator's register, and a valid ID.

### 4

## How long will I have to wait for getting married?

During your visit to the register office, you need to decide on the day of your marriage ceremony. As a rule, the marriage ceremony can take place after one month after the partners willing to get married have stated that they know nothing about any impediments to marriage has passed.

In order to shorten the waiting period, you need to file an appropriate application to the head of the registry office. The head of the office may agree to an earlier date of your ceremony if they recognise significant reasons to do so. The following might be the reasons: a serious illness of one of the partners, advanced pregnancy of the prospective wife, an approaching long-term trip abroad of one of the partners, etc. Then, you need to be present on the date of the ceremony indicated by the office.



**REMEMBER!** Two adult witnesses and a translator need to be present during the marriage ceremony.





## Getting married – what next?

Once you have entered into a marriage, the head of the register office issues a marriage certificate which is a proof of being married. There is a fee for the certificate – a **stamp duty of PLN 84** which can be paid, e.g. in the City Council cashier's office.

# XIV

## List of non-governmental organisations which provide assistance to refugees and migrants

### ● Commissioner for Human Rights

Aleja Solidarności 77  
00-090 Warszawa  
tel.: 800 676 676  
e-mail: rzecznik@rpo.gov.pl  
www.rpo.gov.pl

### ● Ombudsman for Children

ul. Przemysłowa 30/32  
00-450 Warszawa  
tel.: (22) 583 66 00  
e-mail: rpd@brpd.gov.pl  
www.rpd.gov.pl

### ● International Organisation for Migration

ul. Mariensztat 8, 00-302 Warszawa  
tel.: (22) 538 91 03  
e-mail: iomwarsaw@iom.int  
www.iom.pl

### ● Helsinki Foundation for Human Rights

ul. Zgoda 11  
00-018 Warszawa  
tel.: (22) 556 44 40, (22) 556 44 66  
e-mail: refugees@hfhr.org.pl  
www.hfhr.pl,  
<http://programy.hfhr.pl/uchodzczy>

### ● Association for Legal Intervention

ul. Siedmiogrodzka 5/51  
01-204 Warszawa  
tel.: (22) 621 51 65  
e-mail: biuro@interwencjaprawna.pl  
www.interwencjaprawna.pl

### ● Refugee.pl Foundation

e-mail: info@refugee.pl  
www.refugee.pl

● **H. Nieć Legal Assistance Centre**

ul. Krowoderska 11/7  
31-141 Kraków  
tel.: (12) 633 72 23  
fax: (12) 423 32 77  
e-mail: [porady@pomocprawna.org](mailto:porady@pomocprawna.org)  
<http://www.pomocprawna.org/>

● **Fu Shenfu Migrant Centre**

ul. F. Chopina 14/70  
20-023 Lublin  
tel.: (81) 743 68 05  
e-mail: [fundacja@fip.org.pl](mailto:fundacja@fip.org.pl)  
[www.panstwoprawa.org](http://www.panstwoprawa.org)

● **Ośrodek Migranta Fu Shenfu**

ul. Ostrobramska 98  
04-118 Warszawa  
tel.: (22) 610 02 52  
e-mail: [osrodek@migrant.pl](mailto:osrodek@migrant.pl)  
[www.migrant.pl](http://www.migrant.pl)

● **Polish Migration Forum**

ul. Szpitalna 5/14  
00-031 Warszawa  
tel.: (22) 110 00 85  
e-mail: [info@forummigracyjne.org](mailto:info@forummigracyjne.org)  
[www.forummigracyjne.org](http://www.forummigracyjne.org)

● **“Ocalenie” Foundation**

ul. Koszykowa 24  
00-553 Warszawa, lok. 1 (I piętro)  
tel.: (22) 828 04 50  
fax: (22) 828 50 54  
e-mail: [biuro@ocalenie.org.pl](mailto:biuro@ocalenie.org.pl)

● **FDS Foundation  
(Foundation for Somalia)**

ul. Bracka 18/63, II piętro  
00-028 Warszawa  
tel.: +48 (22) 658 04 87  
[www.fds.org.pl](http://www.fds.org.pl)

- **Refugees Welcome Poland**  
e-mail: kontakt@refugeeswelcome.pl  
www.refugees-welcome.pl
- **Multicultural Centre**  
ul. Jagiellońska 54  
03-463 Warszawa  
e-mail: biuro@cw.org.pl  
www.cw.org.pl
- **Strefa Wolnościowa Organisation**  
e-mail: info@strefawolnoslowa.pl  
www.strefawolnoslowa.pl
- **Stowarzyszenie Homo Faber**  
ul. Orła 5/13  
20-022 Lublin  
e-mail: info@hf.org.pl  
www.hf.org.pl
- **Centrum Wsparcia  
Imigrantów i Imigrantek**  
ul. Gdyńskich Kosynierów 11, lok. 1  
80-866 Gdańsk  
tel.: 512 949 109  
www.cwii.org.pl
- **Migrant Info Point**  
Św. Marcin 78, pok. 421  
61-809 Poznań  
tel.: 503 979 758  
www.migrant.poznan.pl
- **Stowarzyszenie Nomada**  
ul. Paulińska 4/8  
50-247 Wrocław  
tel.: 71 307 03 35  
e-mail: nomada@nomada.info.pl  
www.nomada.info.pl

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- 2 Ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego (tekst jedn. Dz.U. z 2016 r., poz. 23).
- 3 Ustawa z dnia 6 kwietnia 1990 r. o Policji (tekst jedn. Dz.U. z 2015 r., poz. 355).
- 4 Ustawa z dnia 7 września 1991 r. o systemie oświaty (tekst jedn. Dz.U. z 2015 r., poz. 2156, z późn. zm.).
- 5 Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (Dz.U. z 1997 r., nr 89, poz. 555, z późn. zm.).
- 6 Ustawa z dnia 24 sierpnia 2001 r. Kodeks postępowania w sprawach o wykroczenia (tekst jedn. Dz.U. z 2008 r. nr 133, poz. 848, z późn. zm.).
- 7 Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej (tekst jedn. Dz.U. z 2012 r., poz. 680, z późn. zm.).
- 8 Ustawa z dnia 28 listopada 2003 r. o świadczeniach rodzinnych (tekst jedn. Dz.U. z 2015 r., poz. 114, z późn. zm.).
- 9 Ustawa z dnia 12 marca 2004 r. o pomocy społecznej (tekst jedn. Dz.U. z 2015 r., poz. 163, z późn. zm.).
- 10 Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy (tekst jedn. Dz.U. z 2008 r. nr 69, poz. 415, z późn. zm.).

- 11 Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej (tekst jedn. Dz.U. z 2015 r., poz. 584, z późn. zm.).
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- 15 Ustawa z dnia 6 listopada 2008 r. o prawach pacjenta i Rzeczniku Praw Pacjenta (tekst jedn. Dz.U. z 2012 r., poz. 159, z późn. zm.).
- 16 Ustawa z dnia 5 grudnia 2008 r. o zapobieganiu oraz zwalczaniu zakażeń i chorób zakaźnych u ludzi (tekst jedn. Dz.U. z 2013 r., poz. 947, z późn. zm.).
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- 20 Ustawa z dnia 11 lutego 2016 r. o pomocy państwa w wychowywaniu dzieci (Dz.U. z 2016 r., poz. 195).



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