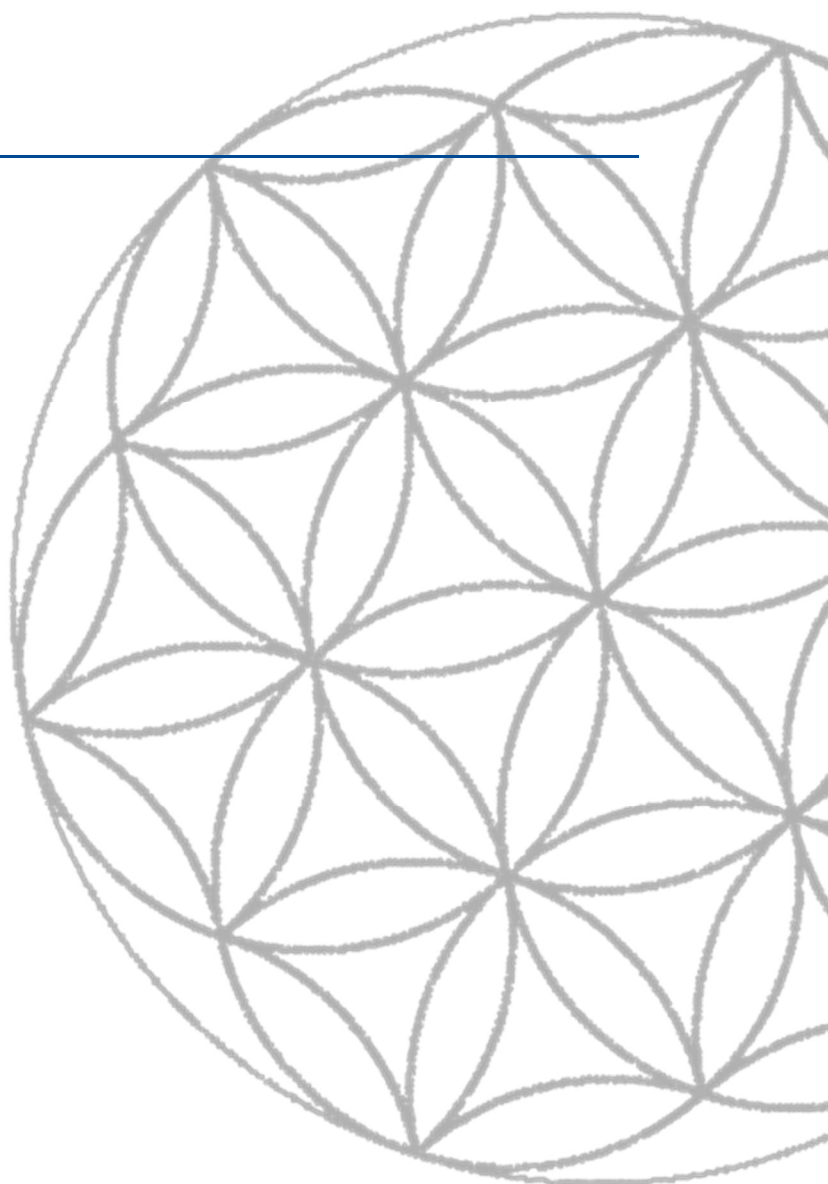


Crossing the border and reuniting families

(Guide for citizens of Ukraine)

28 February 2022



1. Crossing the border

Ukrainian citizens may enter Poland on the basis of, among others:

- visa-free traffic using a biometric passport (at present there are no requirements to hold other documents, such as a hotel reservation, proof of possession of funds sufficient for upkeep during stay, or proof of possession of personal insurance);
- a national visa (D) or Schengen visa (C), or a document for stay that has been issued by another Schengen state;
- possession of a temporary residence permit, permanent residence permit or residence by a long-term EU resident and a valid residence card;
- application for the granting of international protection (refugee status), lodged at a Polish border crossing;
- consent from a Border Guard commandant granted whilst crossing the border (in the event of holding an identity document other than a biometric passport or, particularly in the case of children, if they have none at all).

Currently, no documents or permits other than passports or identity documents are required from citizens of non-Ukrainian countries who enter into Poland from Ukraine.

2. Crossing the border in the case of minors

Currently, a waiver is in place for the requirement for a minor to hold a notarial consent from the other parent or both parents (legal guardians), if the minor is travelling without one or both parents (legal guardians).

3. Assistance on Polish territory

Persons who wish to take advantage of the assistance offered by the Polish government after arrival in Poland should go to one of the reception centres listed on the website of the Office for Foreigners (links below). These centres are at the border as well as inland. At these centres, they will receive a meal, an opportunity to rest, (free) transport and essential information. There is also no requirement to register at these centres.

Reception centres:

<https://www.gov.pl/web/udsc/ukraina---ua>

<https://www.gov.pl/web/udsc/ukraina2>

4. International protection

Persons arriving from Ukraine in the territory of Poland may (but are not required to) submit an application for international protection (refugee status). The stay of such persons in Poland will be legal, but while their application is being processed, they will not be allowed to cross the Polish border and enter into, say, Germany, or undertake any work in Poland in the first six months.

5. Right to remain in Poland after arriving in Polish territory

The length of a legal stay in Poland is dependent on the document shown at the border.

Basis for entry	Length of legal stay in Poland
Visa-free entry with a biometric passport	Up to 90 days
Polish visa or Schengen visa issued by a Polish authority	In accordance with the visa's stated expiry date and duration; after a stay under a Polish visa has expired, the stay may be continued, if holding a biometric passport, for up to 90 days (without the need to leave the country) under the visa-free travel arrangement
<ul style="list-style-type: none"> – Visa with a D or C designation issued by another Schengen state – Residence document issued by another Schengen state 	Up to 90 days
Consent of a commandant of the Border Guardj	15 days

6. Legalisation of stay for family members of employees employed in Poland

The family members of a foreign citizen legally employed and resident in Poland can apply for a temporary resident permit.

6.1 Temporary residence permit in order to stay with a foreign citizen (unification of families)

The catalogue of family members entitled to seek this kind of permit is limited to the following:

- spouse (the marital union must be of a kind recognised by Polish law);
- minor child (who has not attained 18 years of age) – natural, adopted, or another child under the care of the foreign citizen and over which the foreign citizen exercises factual parental authority (e.g. a spouse's child from a previous relationship).

A temporary residence permit for unification of family authorises its holder to undertake work in Poland without the necessity of obtaining additional documents, on condition that the foreign citizen being joined at the moment of lodging the application resides or has resided in Poland, among others:

- on the basis of a permanent residence permit;
- on the basis of a residence permit for a long-term EU resident;
- over a period of at least 2 years on the basis of successive temporary residence permits, including directly before lodging the application for the family member to be granted a temporary residence permit – on the basis of a permit granted him or her for a period of stay of not less than 1 year;
- on the basis of a temporary residence permit in order to perform work in a profession requiring high qualifications.

Obtaining a temporary residence permit in other cases is still possible, but such a permit will in its initial phase not authorise the family member to work in Poland (an additional declaration will be required, which is very easy to obtain in practice).

It is possible to lodge an application for issue of a temporary residence permit for family members who are still staying outside the border of Poland, upon their written consent.

In the case of a foreign citizen who is a minor, the application for him or her to be granted a temporary residence permit is to be lodged by the parents or by guardians instituted by a court, or by one of the parents or one of the guardians instituted by a court.

Proceedings in the case of issue of this permit type run their course pursuant to the general principles in common for all types of temporary residence permits – the application should be lodged at the province administrative office relevant for the foreign citizen's place of residence in Poland.

Typical documents necessary to confirm the data contained in such an application and the circumstances justifying seeking issue of a permit of this kind encompass:

- copy of passport
- register office documents confirming the respective degree of kinship or affinity, as recognised by law in the Republic of Poland, if possible provided with an apostille clause (obtained in the territory of Ukraine);
- document confirming legal title to the occupied residential accommodation where the family member is staying or intends to stay (e.g. a lease agreement);
- documents confirming the holding of health insurance by the family member or coverage by an insurer of treatment costs for the family member in the territory of the Republic of Poland (including e.g. a ZUS ZCNA form, insurance policy);
- documents confirming the legal basis for stay in Poland by the spouse or parents of the family member seeking issue of permit (e.g. copy of visa, residence card);
- documents confirming possession of a stable and regular source of income sufficient to cover costs of maintenance for self and maintained family members (at least PLN 600 net per person in the family), e.g. an employee's employment contract, bank statement.

6.2 Temporary residence permit on account of other circumstances

Obtaining a temporary residence permit for the other family members (not encompassed by the said catalogue) of a foreign citizen employed in Poland (e.g. parents, siblings, grandparents) or other persons pursuing family life with the foreign citizen (e.g. a partner) is also possible. This is then a temporary residence permit issued on account of so-called "other circumstances". It does not authorise the holder thereof to perform work in Poland without an additional document legalising such work (e.g. respective declarations).

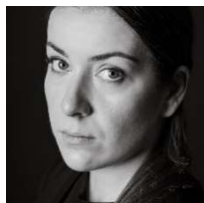
In the event of applying for this kind of temporary residence permit, it is necessary to attach (apart from those already listed) documents to the application to confirm the existence of family life with the foreign citizen who is staying in Poland.

The newly planned regulations are also intended to make it easier to bring family members and loved ones to Poland.



Magdalena Świtajska
adwokat, partner

Employment & Global Mobility Practice
magdalena.switajska@wardynski.com.pl



Katarzyna Sawicka
adwokat

Employment & Global Mobility Practice
katarzyna.sawicka@wardynski.com.pl

WARDYŃSKI & PARTNERS

**AL. UJAZDOWSKIE 10
00-478 WARSAW**

TEL.: +48 22 437 82 00, 22 537 82 00

FAX: 22 437 82 01, 22 537 82 01

E-MAIL: WARSAW@WARDYNSKI.COM.PL

KRAKÓW

UL. LUDWINOWSKA 7/5

30-331 KRAKÓW

TEL.: + 48 12 290 86 20

FAX: + 48 12 290 86 21

KRAKOW@WARDYNSKI.COM.PL

POZNAŃ

UL. MARCELIŃSKA 90

60-324 POZNAŃ

TEL.: + 48 61 651 87 00

FAX: + 48 61 651 87 01

POZNAN@WARDYNSKI.COM.PL

WROCLAW

UL. GWIAZDZISTA 66

53-413 WROCLAW

TEL.: + 48 71 348 86 00

FAX: + 48 71 348 86 01

WROCLAW@WARDYNSKI.COM.PL