



# **WELCOME TO POLAND**

*info package for foreigners living in Krakow*

**The Halina Niec  
Legal  
Aid Centre**





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## INTRODUCTION

Krakow is the capital city of Lesser Poland Voivodeship, the historical capital city of Poland, a cultural, academic and scientific centre which has been attracting masses of students, tourists and entrepreneurs for many years – including Poles and foreigners. There is a considerable number of EU and third country citizens living in Krakow, some of them residing here only temporarily, others deciding to settle due to various reasons – personal, educational or economical.

This brochure includes the most important information, which a foreigner staying in the territory of Poland should be familiar with, including the most important aspects of social insurance, access to education and health care, work performance and renting an accommodation. All of the information included is practically-oriented and the authors of the project did their best to present the complex administrative procedures in an accessible and comprehensible manner.

## 1. Work

### 1.1. The rules of foreigners' employment

Krakow is a significant business centre with favourable conditions for establishing new enterprises, and hence finding employment. Due to the dynamic development of economic zones around Krakow and locating numerous international corporations in the city, many foreigners decide to stay here and seek employment or arrive to Krakow specifically to find an employment. However, it should not be forgotten that the possibility of taking up and performing work in Poland by foreigners is strictly regulated by law and the applicable principles need to be complied with both by the employer and the employee.

The analysis of applicable regulations concerning the employment of foreigners in Poland leads to the conclusion that there are two set of rules binding two different groups, determined by their citizenship: EU citizens and non-EU citizens (the so called “third country nationals”). Another important factor differentiating the legal situation of foreigners in the area of employment is the type of residence permit<sup>1</sup> held (It is implied that the foreigner needs to have a valid residence permit in order to work in Poland.) The type of residence permit determines whether the foreigner needs also a separate work permit<sup>2</sup> in order to take up work.

#### CITIZENS OF EU, EEA AND SWITZERLAND

EU citizens are entitled to migrate and stay in the territories of other EU member states freely. Free movement of workers is one of the most funda-

Foreigners who hold *EU Member State*, European Economic Area or Swiss **citizenship**, are allowed to work in Poland *without obtaining a work permit*. Additionally, they may: settle in Poland due to their employment; stay in Poland even after their contract terminated if applicable conditions defined by EU law are met. They have the right to be treated equally to Polish citizens in the scope of access to employment, work conditions and social and tax privileges. *The members of their families* have similar rights.

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*1 Residence permit – the entitlement to stay in the certain territory. In Poland, the residence permits are distinguished as follows: refugee status; -> subsidiary protection -> residence permit due to humanitarian reasons -> consent for tolerated stay -> permanent residence permit -> the long-term EU-resident permit -> temporary residence permit -> visa*

*2 Work permit – the document issued by the provincial governor (competent to the employer's residence) at the request of the entity (employer), who entrust the foreigner with work performance, entitling foreigner to take up legal work in Poland on account of the possession of visa or temporary residence permit allowing to work in Poland*

mental guarantees of the EU, which allows EU citizens for employment in any EU country on the basis of equal treatment of all EU citizens in terms of work and employment conditions, including remuneration. All these guarantees also concern the members of families of migrant workers who are EU citizens.

Family member is understood as a person in the marital union with the foreigner (marriage must be recognized under Polish law) or his/her descendants i.e. child, adopted child or grandchild. Furthermore, the right to employment is granted to the foreigner's spouse's descendants (if they have not turned 21 or they are dependent on the foreigner or on his/her spouse) and to the foreigner's ascendants (parents, grandparents), if they depend on him/her as well.

### THIRD COUNTRY NATIONALS

Non-EU citizens or third country nationals are also entitled to take up employment in Poland, however, their access to labour market depends on the type of residence permit, that authorizes their stay in Poland.

#### • WORKING WITHOUT A SEPARATE WORK PERMIT

A foreigner does not need a separate work permit if he/she:

- ✓ has **a refugee status**
- ✓ was granted **subsidiary protection**
- ✓ has **a residence permit due to humanitarian reasons**
- ✓ has **a consent for tolerated stay**
- ✓ received **temporary protection** in the territory of Poland

→ **he/she is entitled to work in Poland without additional permits**

**His/her spouse and descendant (child)** (if he/she has not turned 21 or is dependent on the foreigner), who have temporary residence permit in the territory of Poland, are exempt from acquiring the work permit as well.

**IMPORTANT!** During the refugee/protection procedure, foreigners are not allowed to work. However, if after 6 months from the day of submitting the refugee application the decision has not been issued by the Head of the Office for Foreigners, due to reasons for which a foreigner cannot be blamed, he/she has a right to submit an application for issuance of a certificate. This certificate along with a temporary certificate of identity, is the basis for legal employment in Poland during the procedure for the foreigner and his/her spouse.

**Third country nationals holding:**

- ✓ Permanent residence permit or
- ✓ Long-term EU-resident permit

*along with members of their families are also entitled to work in Poland without additional permissions.*

It is worth mentioning that in some cases, the third country nationals are exempt from the obligation to acquire a work permit based on specific regulations concerning selected types of residence permits<sup>3</sup> or types of employment of foreigners in the territory of Poland<sup>4</sup>.

**Foreigners are exempt from the obligation to acquire a work permit in Poland if they:**

- ✓ hold a temporary residence permit of certain types e.g.:
  - in order to study
  - in order to carry out scientific research
  - on grounds of specific family situation – *divorce, separation, death of a spouse*
  - in order to unite with their families
  - granted to human trafficking victims
  - on grounds of other circumstances
- ✓ are a **spouse of Polish citizen**
- ✓ have a valid **Pole's Card**

## • REQUIREMENT OF A SEPARATE WORK PERMIT

In all the remaining cases, a third country national staying legally in Poland is required to hold a work permit in order to be employed.

Foreigners need the work permit if they plan to:

- work in Poland on the ground of a contract (labour contract, contract for specific work, fee-for-task agreement) with an entity, which main office, place of residence, department, factory or different form of organized activity is located in Poland
- take up function in the executive board of a legal entity entered in the Register of Entrepreneurs or included in group of capital companies in

<sup>3</sup> Art. 87 sec. 2 of the Act on employment promotion and labour market institutions (Journal of Laws of 2004, No. 99, item 1001, i.e. Journal of Laws of 2015, item 149)

<sup>4</sup> The Ordinance of the Minister of Labour and Social Policy of 21 April 2015 on cases in which the entrustment the job to the foreigner in the territory of Poland is allowed without the requirement of a work permit (Journal of Laws of 2015, item 588)

Foreigners may be employed in Poland **without a work permit** if their employment is one of the following:

- ✓ they are employed to conduct trainings,
- ✓ they take part in internships or they supervise the implementation of EU programmes and other international aid programmes,
- ✓ they work as a foreign language teacher, conduct classes in foreign languages under international contracts and agreements,
- ✓ they are employed in the armed forces or civilian personnel in the international military structures,
- ✓ they work as a regular correspondent of foreign media,
- ✓ they deliver occasional lectures and presentations,
- ✓ they are athletes representing Poland during sports competitions,
- ✓ they are full-time students during the period from July to September,
- ✓ they are students directed to apprenticeship training,
- ✓ they are delegated to work in a cultural institutions of a foreign state

organization, and the duration of their stay in the territory of Poland exceeds the total of 6 months during consecutive 12 months

- work for a foreign employer while being delegated to the territory of Poland for more than 30 days in a year to a division or factory of foreign or entity within the meaning of the Act of 26 July 1991 on Personal Income Tax.

As specified above, third country nationals must also hold valid residence permits. Polish law specifies which types of residence permits allow to apply for a work permit.

*There are different types of residence permits allowing a third country national to work, providing that a separate work permit is issued:*

- ✓ **national visa**
- ✓ **Schengen visa**
  - IMPORTANT! Employment is not allowed for holders of national or Schengen visas issued for:
    - Touristic purposes
    - Accessing temporary protection
    - Arrival due to humanitarian reasons, interest of the state or international commitment
- ✓ Certain types of residence documents issued by other Schengen countries
- ✓ Stay in Poland under the visa-free regime
- ✓ **temporary residence permit**
  - IMPORTANT! Does not apply to permission issued on grounds of the obligation to appear before the Polish public authority

If a foreigner stays in Poland on the basis of a tourist visa and holds a work permit, he/she is nevertheless not able to work legally. Only the residence documents listed above allow to take up employment, in accordance with the law.

Application for issuing the work permit must be submitted by the prospective employer, who thus becomes a party to the relevant proceedings.

The work permit is issued by the Voivode [wojewoda], thus the application shall be submitted in the appropriate Provincial Office – according to the employer's head office location or place of residence.

The Voivode issues a permit if:

1. the salary determined in the contract with the foreigner is not lower than the salary of other employees performing comparable work or holding a comparable position;
2. the employer has presented required information from the appropriate district head [starosta] concerning the impossibility of meeting the staffing needs of this employer based on the analysis of the unemployed registry or based on the negative results of previous recruitment.

The work permit is issued for the purpose of employing a specific foreigner, for a specified period of time, no longer than 3 years, which however can be prolonged. The work permit also specifies the following:

- the employer
- position or type of performed work
- the minimum salary that the foreigner will be paid
- working time
- validity period of the permit

Employment is considered legal only when the foreigner performs the type of work determined in the permit. Thus, when the foreigner wants to change work (change the employer or/and the position or/and the sector he/she works in), he/she has to obtain a new permit.

#### **JOINT TEMPORARY RESIDENCE AND WORK PERMIT**

In 2014 a new form of temporary residence permit was introduced, called simply: temporary residence and work permit. This permit is intended for third country nationals whose purpose and basis for stay in Poland is their employment. In order to work, the foreigner who applies for issuance of

the temporary residence permit on the basis of work performed in Poland is not obliged to obtain work permit earlier. In case of granting temporary residence and work permit, the simultaneously issued residence card certifies the holder's right to work in Poland – for the specified employer and under specific conditions determined in the decision of granting the permit.

In case of temporary residence and work permit, a foreigner is obliged to have i.a.:

- health insurance
- documents confirming that the foreigner has a source of stable, regular income sufficient to cover their own living costs and those of family members supported by them
- documents confirming the possession of a guaranteed place of residence
- information from the Voivode concerning the results of the labour market test which confirms that the employer is not able to meet the staffing needs on the local labour market
- employment contract or a similar contract (mandate contract regulated by civil law code) signed with the employer

The decision granting temporary residence and work permit contains information about the foreigner's employer, the position on which the foreigner will be employed, the minimum salary that the foreigner may receive for the given position, working time and type of contract pursuant to which the foreigner will be employed. In case of the foreigner's intention to work for several employers, the decision shall specify these employers and the terms and conditions for performing work shall be determined separately for each entity (employer).

The foreigner's salary must not be lower than the salary of other employees performing comparable work or holding a comparable position.

A temporary residence and work permit is granted for a maximum of 3 years. However, the validity period of a residence and work permit may be shorter. Usually the period for which a temporary residence and work permit is issued depends on the documents presented by the foreigner. For instance, if the foreigner has signed an employment contract with the employer for a period of 2 years, the temporary residence and work permit will also be issued for a period not exceeding 2 years.

If a foreigner intends to perform work for a different employer or his/

her employment terms and conditions change during the validity period of the authorization, he/she should submit an application for change of the permit. However, in case of changes of the seat, place of residence, name or legal form of the employer or in case if the employer's company is taken over in whole or in part by another employer, there is no requirement to replace or issue a new temporary residence and work permit. The Voivode shall withdraw, thus invalidating the temporary residence and work permit, if the foreigner does not inform him/her about the change of his/her job position or reduction of the salary.

While residing in Poland on the basis of a temporary residence and work permit, foreigners are obliged to notify the competent Voivode in writing about the loss of their job with any of the employers listed in the decision granting the temporary residence and work permit within 15 working days since losing the job. If they notify the Voivode accordingly their temporary residence and work permit shall not be withdrawn within 30 days counting from the day of the loss of the job. If they do not find a new employment within 30 days since the day of losing their job and notifying the Voivode, their temporary residence and work permit may be withdrawn and invalidated. If they find a new employer and obtain a new temporary residence and work permit within 30 days, then they may legally continue their stay in Poland.

#### • DECLARATION OF THE INTENTION TO EMPLOY A FOREIGNER

In the context of the right to work of third country citizens it should be noted that nationals of six countries were given a special, privileged status in Poland. These countries are: The Republic of Armenia, the Republic of Belarus, the Republic of Georgia, the Republic of Moldova, The Russian Federation and Ukraine.

If a foreigner is a citizen of one of the states, he/she may be employed without obtaining a work permit providing that:

- the total period of the employment may not exceed 6 months within a 12-month period, regardless of the number of employers
- the County Labour Office competent as to the foreigner's place of residence or of the location of the head office of the employer registered the employer's written declaration of the intention to hire him/her, before the employment started

- the work shall be performed on the basis of written contract – an employment contract or a similar contract (mandate contract regulated by civil law code), according to the conditions determined in the declaration.

In the declaration of the intention to employ the foreigner, the following information should be included:

- data of the foreigner to be employed
- name of the position/occupation
- place of work
- date of commencement and the period of work performance
- type of employment contract
- total gross salary

and additionally:

- information about the lack of possibility to meet the staffing needs of the employer based on the local labour market
- declaration of the employer about his familiarity with regulations concerning the stay and work of foreigners

The employer shall deliver the original of the declaration to the foreigner he/she intends to employ, thus you shall obtain the declaration through the post if you are abroad.

The registered declaration constitutes the basis for the foreigner to be granted the documents legalizing their stay. If a foreigner is abroad and has received the declaration, he/she may approach the Polish Consulate in the country of his/her permanent stay in order to obtain a residence visa for work. When the foreigner arrives to Poland, he/she can apply for issuing a temporary residence permit.

**IMPORTANT!** The registered declaration is a confirmation that the foreigner has the right to perform a short-term work for the specified employer; however, it is not proof of employment with a given employer. The document that confirms the foreigner's employment is the employment contract or a similar (civil law regulated) agreement. After the foreigner's arrival to Poland, he/she should conclude a written contract with the employer, on the other hand his/her work will be regarded as illegal!

**IMPORTANT!** State administration workers recommend to act with due caution during this procedure since it is often abused by fraudulent companies. Particularly, persons who use the services of unofficial “employment agencies” are exposed to risk. After arrival, it is possible that the work conditions and salary differ considerably from what was promised. It is worth remembering that the procedure of issuing the declaration in Poland is free of charge, therefore **any fees charged by the agencies from the foreigner** for issuing or transmitting the documents are **unauthorized**.

Moreover, within 7 days since signing the employment contract, the employer is required to register the foreigner for the purposes of social security and health insurance, which entitles him/her to free use of health services (excluding the situation of signing a contract for specific work).

If the employer is interested in hiring a foreigner for a period of time exceeding 6 months, he/she may apply for a work permit after 3 months since hiring you. In this case the labour market test conducted by the district head is not required.

In case of doubts, it is always a good idea to research information about the future employer before taking the decision to travel to Poland. It is possible to call the employer or verify all the data in the REGON database ([www.stat.gov.pl/regon](http://www.stat.gov.pl/regon)) or the KRS (National Court Register, [www.krs-online.com.pl](http://www.krs-online.com.pl)). Any Polish private employment agency that functions as an employing entity, should also be included in the National Register of Employment Agencies ([www.kraz.praca.gov.pl](http://www.kraz.praca.gov.pl)).

## 1.2. The rules for establishing business activity

Similarly to taking-up and performing a work to the employer by the foreigners staying in Poland, a foreigner should check the legal regulations whether he/she is entitled to set up business activity – defined as a gainful activity in the construction, trade and service sectors and a professional activity performed in a continued and organized manner.

### WHO IS ENTITLED TO SET UP AND CONDUCT BUSINESS ACTIVITY IN POLAND?

Some foreigners – natural persons not having Polish citizenship, who apply for the status of an entrepreneur (a person who conducts business activity on his/her own behalf) may take up and conduct business activity on the same conditions as Polish citizens. According to the applicable regulations,

the foreigners may set up and conduct each and every form of business activity admitted in the Polish law.

- If foreigners are a citizens of:

- EU-Member State
- European Free Trade Association Member State
- the Agreement on the European Economic Area parties

and

- the country that is not a part of the Agreement on the European Economic Area but they may exercise of the freedom of establishment on the basis of the contracts concluded with the European Union and the Member States

» they are entitled to take up business activity on the same conditions as Polish citizens.

- If foreigners are third country nationals they may take up and conduct business activity in the territory of Poland on the same conditions as Polish citizens if they have:

- permanent residence permit
- long-term EU-resident permit
- temporary residence permit
  - granted to the foreigner's family member for the purpose of family reunification;
  - granted on the basis on the long-term EU-resident permit issued by EU Member State different than Poland if such a person justifies his/her place of residence in Poland;
  - granted to the foreigner's family member who has the long-term EU-resident permit issued by EU Member State different than Poland if he/she resided with the foreigner in other EU Member State and wants to stay with this foreigner in Poland;
  - granted for the purpose of undertaking or continuing higher studies or full-time doctoral programmes in Poland;
- refugee status
- subsidiary protection

- residence permit due to humanitarian reasons or consent for tolerated stay
- if they are spouse of a Polish citizen and therefore you have the temporary residence permit
- temporary residence permit for the purpose of conducting business activity issued on the grounds of continuation of the conducted business activity on the basis of CEIDG entry (Central Register and Information on Economic Activity).

Besides, they exercise the same rights as Polish citizens in this case if:

- they are granted temporary protection in the territory of Poland
- they have a valid Pole's Card
- they are a family member of an EU-citizen staying in Poland

The categories of foreigners not mentioned above, whose stay in Poland is based on another type of residence permit e.g. visa, are also entitled to take-up and conduct business activity in Poland, but in a limited scope.

In general, those categories of foreigners are entitled to take up and conduct business activity solely in the form of:

- limited partnership
- limited joint-stock partnership
- limited liability company
- joint-stock company

They are also able to become enter as partner into such companies/partnerships, acquire shares unless applicable international treaties state otherwise. For that reason, they should check whether there is such an international treaty concerning their country. Foreigners may find the relevant information in online treaty base on the Ministry of Foreign Affairs website.

If foreigners wish to establish business activity of one of the four above mentioned types it is not necessary for them to have the right of residence in Poland. The majority of procedures may be carried out online (e.g. establishing business activity requires you to submit an application for registration in the Central Register and Information on Economic Activity CEIDG, which can be done via the computerized system; after registration in the CEIDG they will be able to submit the application for a business activity -

related visa in the Polish Consulate in their native country). However, if they want to perform specified work in their company, they must acquire a work permit and hold a residence title in Poland. Accordingly, if you they are interested in conducting business activity on the same conditions as Polish nationals (in a form other than the above mentioned four types), they are required to obtain a proper residence permit.

## **LEGALIZATION OF STAY DUE TO BUSINESS ACTIVITY**

### **Visa**

A foreigner, who conducts business activity in Poland, may apply for a visa for the purpose of carrying out business activity. In addition to basic set of documents required to obtain a visa, he/she shall submit to the Polish Consulate documents which confirm conducting business activity in Poland e.g. entry in the National Court Register (KRS), notarized partnership agreement, tax clearance certificate. However, it must be considered that the visa cannot be issued due to the mere intention to conduct business activity, unless a foreigner demonstrates his/her intention and justifies the necessity to enter Poland. In such a case, it is a consul's decision whether the provided evidence are sufficient to issue a visa.

### **Temporary residence permit**

A foreigner who stays in Poland and conducts business activity in the form of limited partnership, limited joint-stock partnership, limited liability company or joint-stock company may apply for temporary residence permit issued for the purpose of carrying out business activity. This is one of several forms of legal stay of a foreigner and it is strictly correlated with the intention to conduct business activity, since it is issued to pursue this objective.

It should be noted that general conditions of issuing temporary residence permit need to be observed. The grounds for applying for the permit must justify foreigner's stay in the territory of Poland for a period longer than 3 months. The temporary residence permit is issued for a period necessary for the accomplishment of the purpose of the foreigner's stay in the territory of Poland – from 3 months to 3 years, with the possibility to apply for subsequent permits.

If a foreigner applies for a temporary residence permit for the purpose of carrying out business activity, he/she shall then determine the purpose of his/her stay in Poland – the intention to conduct business activity. Moreover, the foreigner shall demonstrate his/her health insurance or a confirmation of coverage by the insurer for medical expenses in the territory of Poland,

a regular and stable income source sufficient for covering own and family members' maintenance, a permission for activities where it is requested and a place of residence in Poland.

Additionally, when performing a job in the company created by himself/herself, the foreigner shall demonstrate that the activities of his/her company is, or will be beneficial for Polish economy (e.g. by contributing to the increase of investment, transfer of technologies, introduction of beneficial innovations or job creation) and present confirming documents. Thus, the positive decision on granting the permit is dependent on the assessment of the foreigner's company according to the criteria of the generated income and the creation of new jobs e.g. the company must employ at least two Polish citizens full time.

### 1.3. The threat of human trafficking

Human trafficking constitutes a crime and is punished by law.

According to the definition included in The Polish Penal Code, the crime of human trafficking concerns persons and may take various forms such as:

- recruitment,
- transportation,
- transfer,
- harbouring,
- receipt of a certain person – a victim of human trafficking.

In order to qualify those acts as human trafficking, they must occur using:

- violence or threat,
- abduction,
- fraud,
- deception or taking advantage of the victim's inability to properly understand their actions
- abuse of authority,
- taking advantage of the critical situation or the state of helplessness,
- giving or receiving of payments or benefits to acquire the consent of a person having control over another person.

Moreover, in order to comply with the definition, the act must occur

for the purpose of exploitation of the victim, even with their consent. The mentioned exploitation may take various forms, for example:

- prostitution,
- pornography or other forms of sexual exploitation,
- forced labour or services,
- begging,
- slavery or other forms of exploitation in violation of human dignity or
- for the purpose of obtaining cells, tissues or organs contrary to statutory provisions.

If this crime is committed against a child (a person under 18 years of age) it constitutes human trafficking, even if the methods or means listed above have not been used.

There are certain categories of persons who are especially threatened by human trafficking:

- minors
- persons in a difficult situation
- persons seeking employment abroad, without foreign language skills and without knowledge of the foreign legal system and the culture of the country in which they stay.

**All persons who have fallen victims of human trafficking are entitled to receive help, regardless of their citizenship or legal status!**

Free aid is provided by the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) – phone number: (+48 22) 628 01 20. The KCIK Centre is run by non-governmental organizations and financed by the state budget. In order to benefit from the KCIK's assistance, the Police, Border Guards or the prosecutor have to formally identify a given person as a victim of human trafficking. If the victim does not want to cooperate with law enforcement in the proceedings against the perpetrators, the employees of KCIK may still issue an opinion confirming that the person in question is a victim of this crime. Though in such a case this person can receive KCIK's assistance, the non-cooperation in criminal proceedings makes it impossible to legalize one's stay in Poland based on the premise of being a victim of human trafficking.

The assistance provided by KCIK includes e.g. safe accommodation, food, healthcare, psychological support, legal consultations and the assistance of a translator.

## 1.4. The problem of forced labour

The issue of forced labour is directly linked with the crime of human trafficking since it is very often the means of exploiting trafficking victims. This phenomenon concerns to a large extent women and children; however, it does not mean that men do not fall victim. Forced labour is often associated with exploitation in the sex business but it may take place in many other forms.

The following elements characteristic of forced labour shall be mentioned:

- the use of unfair practices or coercion by the employer or the recruiter,
- the use of physical or psychological violence,
- confiscation of documents (e.g. identity card, passport, visa)
- deprivation of liberty, control of mobility,
- deprivation of salary,
- work without an employment contract,
- work time exceeding acceptable standards.

Considering the above, if someone arranged for a foreigner to work in Poland (even if it was an employment agency) but did not inform him/her beforehand about the working conditions, or if these conditions were different than those specified in the documents that the foreigner holds (e.g. declaration of the intention to employ, visa) and the foreigner was exploited by his/her employer as a consequence, it may be presumed that the foreigner is a victim of human trafficking for the purpose of forced labour.

## 2. Accommodation:

### 2.1. Rental of premises included in the housing stock of the Municipality

Premises which constitute the housing stock of the Municipality of Krakow are intended for rent as social housing or temporary accommodation under the conditions and in cases envisaged by the law and the resolution of the Municipality of Krakow<sup>5</sup>.

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<sup>5</sup> *The Act on the protection of tenants' rights, municipal housing reserves and on the change of Civil Code (Journal of Laws of 2001, No.*

In order to apply for tenancy of premises to fulfil the housing needs due to low incomes, a foreigner shall meet the criterion of unsatisfied housing needs and present documents testifying the actual place of residence in the territory of the Municipality and being on a low income. The applicants acquire entitlements to receive the offer to conclude a tenancy agreement of social housing after being included in the final housing list.

Conclusion of the tenancy agreement is based on:

- Referral – the document entitling to conclude a tenancy agreement of premises or of temporary place, issued by the President of Krakow or a person acting upon his authorization
- Court judgement setting out entering into tenancy of premises
- Court judgement setting out existence of tenancy of premises
- Decision on allotment of residential premises, issued to the premises at the disposal of authorized organizational units
- Court settlement.

Social housing tenancy agreement shall be concluded for the period not longer than 8 years. Social housing tenancy agreement is prolonged for the next period after its expiration, if the tenant is still in the situation justifying the conclusion of the agreement. The situation justifying the conclusion of the agreement shall be interpreted as meaning that the applicant cannot fulfil the housing needs in other premises and is on a law income. In justified cases, the prolongation of the tenancy agreement may concern other social premises.

All matters related to the allocation of premises from the housing stock in Krakow are realized by: Department of Housing – Housing Assistance Office – Wielopole 17a, 31-072 Krakow.

## 2.2. Rental of flats

Looking for a flat, a foreigner may seek assistance of a real estate broker or do it himself/herself, e.g. on the Internet. The foreigner should remember that such an aid of a broker is subject to the payment: conclusion of an agency agreement involves one-off payment in the amount of 50-100% of the monthly rent for the tenancy determined in the agreement.

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*71, item 733 i.e. Journal of Laws of 2014, item 150; RESOLUTION NO.XXI/340/15 OF THE KRAKOW TOWN HALL of 8 July 2015 on the principles of renting premises belonging to the housing stock of the Municipality of Krakow and temporary premises*

By deciding to rent a flat, it is necessary to conclude a tenancy agreement which affirms the right to occupy rented premises and which shall be between the landlord and the tenant. It is required to enter into an agreement in writing in two counterparts in the Polish language. Although there are not particular requirements concerning the form, every agreement should define:

- Personal data of the landlord and tenant, PESEL numbers, numbers of documents confirming these data (e.g. in case of a foreigner – passport and residence card)
- Subject of the agreement and full address of the premises
- Period for which the agreement is concluded: definite period (e.g. 1 month, 6 months) or indefinite period
- Conditions of termination of the tenancy agreement by both parties
- Standing charges i.e. rent, as well as time limits and forms of payment, payment of deposit and payment of utilities (water, gas, electricity)

The description and technical condition of the premises at the time of handing over should be also mentioned. It is also recommended to specify the readings of meters, e.g. for electricity, water or gas in the attachment of the agreement. Such information should help to determine the actual use of the utility by the tenant during the period of residence in the given premises.

An agreement concluded for a definite time (e.g. 1 year) terminates automatically after the end of its validity. The agreement may be denounced (finished), preferably in writing, with a sufficient notice period determined in it.

An agreement concluded for an indefinite period of time may be denounced with a notice period specified in it, and if such a period is not specified in the agreement – in accordance with statutory notice periods. The statutory period of notice for the denouncement of a tenancy agreement (concluded for an indefinite period, with monthly rent payments) is 3 months starting from the end of the calendar month in which the notice was given. If the rent is paid at intervals longer than 1 month, the tenancy may be finished at the latest 3 months in advance at the end of the calendar quarter. However, if the rent is paid at intervals shorter than 1 month, the tenancy may be denounced 3 days in advance, and if the flat is rented on a daily basis – one day in advance.

A tenancy agreement may be denounced both by the tenant and the landlord. The landlord is entitled to terminate the agreement with immedi-

ate effect when the flat is used by the tenant in a manner inconsistent with its intended use, e.g. if the tenant causes damage, conducts business activity in the flat or if unauthorized persons stay and spend nights in the flat. The landlord may denounce the agreement without the notice period also in case the tenant falls behind with a rent for at least two full payment periods (in case of monthly payments – 2 months) and the landlord has forewarned the tenant about the denouncement in writing and set additional monthly period for the payment of arrears. After the termination of the tenancy, the tenant is obliged to leave the premises in the condition not worse than at the moment of commencement of the tenancy.

Registration is in Poland compulsory. However, if the owner expresses consent for the registration in the rented flat (it is illegal to charge any additional fees for such a consent!) it does not mean that a foreigner has any title to the premises, since the registration is only a confirmation of the factual situation, that is the stay of a specific person in the given premises.

### 3. Driving licence:

#### 3.1. Validity of foreign driving licences in Poland

If a foreigner's country of origin is the party to the Vienna Convention on Road Traffic, and the authorities of this country issued the document entitling him/her to drive vehicles, the foreigner's driving licence will be recognised on the Polish territory. The foreigner may, therefore, drive in Poland, as his/her licence is valid also on the territory of the Republic of Poland.

However, an existing limitation under the provisions of the Convention and relevant provisions of Polish law provides that the use of a licence issued by the authorities of another state is limited to 6 months. This means, that from the start of the temporary or permanent residence on the Polish territory, the foreigner has got 6 months to exchange his/her foreign driver's licence to the Polish document.

#### 3.2. Rules for obtaining a driving licence

### GETTING A POLISH DRIVING LICENCE ON THE BASIS OF A FOREIGN DRIVING LICENCE

In order to obtain a Polish equivalent of a driving licence entitling to drive a vehicle, a foreigner should apply for a replacement of the driving licence.

In order to replace a driving licence issued in the foreigner's country of origin with a Polish counterpart, he/she should approach the Municipality of Krakow, Department of Vehicle and Driver Register, Office for Driving Licences located at: Al. Powstania Warszawskiego 10 and submit relevant documents, i.e. an application for a driving licence with the following attachments:

- clear, up-to-date photograph in colour, size 3,5 x 4,5 cm;
- copy of the driving licence currently held;
- translation of the driving licence into Polish – DOES NOT APPLY to driving licences issued in other EU Member States;
- proof of payment for the driving licence document (100 zł) and the registration fee (0,50 zł);
- copy of the residence card, residence visa or other document confirming the right of stay on the Polish territory or a certificate confirming that a person has been a student in Poland for at least 6 months;

The applicant should also submit for inspection his/her:

- identity document.

Foreign driver's licence should be returned upon receipt of the Polish document.

### INTERNATIONAL DRIVING LICENCE

The procedure of obtaining an international driving licence is very similar. Along with a national driving licence, it is valid for a period of 3 years from the date of issue, but not longer than the period of validity of a national licence entitling to drive a vehicle.

Application for an international driving licence should be submitted to the Department of Vehicle and Driver Register, Office for Driving Licences at: Al. Powstania Warszawskiego 10, along with the following documents:

- clear, up-to-date photograph in colour, size 3,5 x 4,5 cm;
- proof of payment for the international driving licence (35 zł);
- copy of the national driving licence issued by the Polish authorities;

and submitted to inspection:

- identity document,
- foreigner applying for the international driving licence, who holds the Polish driving licence, shall attach a copy of the residence card, residence visa or other document confirming his/her right of stay on the Polish territory or a certificate confirming his/her status of a student for at least 6 months.

## PROCEDURE OF OBTAINING A DRIVING LICENCE

If a foreigner wants to obtain a driving licence in Poland, he/she needs to take part in an obligatory driving course and pass the test. However, even before the foreigner is enrolled in a driving course, he/she should first approach the Department of Vehicle and Driver Register of the Municipality of Krakow and acquire the Profile of a Candidate for Driver's number (PCD). The PCD is a unique number assigned to each candidate driver, which will allow for his/her identification in the driving school system or the traffic centre.

Upon the foreigner's visit to the Office, he/she should remember to bring with him/her:

- medical certificate confirming the lack of physical impairments that could affect a person's ability to drive and a psychologist's certificate confirming the lack of mental impairments affecting the ability to drive;
- clear, up-to-date photograph in colour, size 3,5 x 4,5 cm;
- copy of the identity document;
- written consent of a parent or a guardian if the foreigner is under 18 years of age;
- copy of the residence card, residence visa or other document confirming the right of stay on the Polish territory or a certificate confirming that a person has been a student in Poland for at least 6 months.

Upon application, the foreigner will receive a certificate stating his/her PCD number, which he/she should bring with him/her upon arrival at the driving school and later on – at the test centre. The driving school will help the foreigner prepare for his/her theoretical and practical driving test. After having completed the course, the foreigner should sign up for the exam – a theoretical and, then, practical test (the total fee for the exam is 170 zł), conducted by the Malopolska Traffic Centre in Krakow. Persons, who are not sufficiently proficient in Polish to understand the rules of the exam and instructions of the examiner, should ensure – at their own expense – the presence of a sworn translator at the test. The sworn translator shall be present at both theoretical and practical parts of the exam. This requirement also applies to persons, who solve the test in a foreign language (English or German), available in the computer examination system.

The Traffic Centre will forward information about the positive outcome of the exam to the Municipality of Krakow, which means, that after submitting an application for a driving licence, and making a payment in the amount of 100.50 zł, provided that the Municipality receives full documen-

tation, the foreigner will be able to pick up his/herr driving licence already after a few days.

### 3.3. Car registration

The Department of Vehicle and Driver Register of the Municipality of Krakow is the competent authority for the purposes of registration of vehicles. Depending on what a foreigner's residence address is, he/she should refer to an appropriate office of the Department:

- for Kraków - Śródmieście and Krowodrza  
- Al. Powstania Warszawskiego 10
- for Kraków – Nowa Huta - Osiedle Zgody 2
- for Kraków - Podgórze - Wielicka street 28a

The following documents should be attached to the filled in application for the vehicle registration:

- original copy of the proof of ownership of the vehicle: may be a VAT invoice or a bill;
- proof of payment for bringing the vehicle into the territory of Poland (recycling) or a statement of being subject to the obligation to secure cooperation with a network of car dismantling and salvage companies or an invoice including such a statement if the vehicle is being registered for the first time;
- certificate of conformity of the EU or certificate of conformity with a statement containing data and information necessary for the vehicle registration and vehicle records, vehicle unit admission; the decision on recognition of the vehicle unit admission or the certificate of admission of the individualised EU vehicle,
- proof of payment of excise duty on the territory of the country or an exempt from obligation to pay an excise tax on the territory of the country; or an exemption from payment of excise duty on the territory of the country if a car or a vehicle of a type "other cars", subtype "quad" (homologation category L7e) or subtype "light quad" (homologation category L6e) was imported from the territory of an EU Member State and is being registered for the first time. This document may be replaced by a declaration of specialised dealership (authorised dealer), which holds an original or a copy of this document;
- vehicle card;

- proof of fee payment;
- identity card;
- proof of valid liability insurance available for inspection – the vehicle owner has the obligation to conclude the liability insurance agreement no later than on the day of registration of the vehicle. Registration authority shall check the fulfilment of the obligation to obtain liability insurance for the vehicle upon the owner’s receipt of the registration document.

A fee of 80.50 zł is being charged for the vehicle registration number plates and a 54.50 zł for the vehicle registration certificate.

Depending on the case and the submission of necessary documents at the service desk, a matter concerning the registration of a vehicle, as a rule, shall be dealt with immediately, or within another agreed term. In that case, a temporary permit valid for 30 days and licence vehicle registration number plates are issued. After the issue of the registration certificate, the manufacturer forwards it to the Municipality of Krakow.

**IMPORTANT!** If a vehicle purchased on the territory of Poland had been **imported from a non-EU state**, the sales invoice should contain a note specifying the date and the customs clearance number and the name of the customs office, which had executed customs clearance.

Documents in foreign languages should be attached to the application along with translation by a sworn translator or by the competent consul. Registration of new vehicles, which do not have the certificate of conformity of the EU or the certificate of conformity, is possible after obtaining the vehicle unit admission or the individualised admission of the EU.

If a vehicle was imported from one of the EU Member States, one of the following documents shall be submitted:

- proof of payment of an excise duty on the territory of the country from which the vehicle is imported;

or

- proof of exemption from payment of excise duty on the territory of the country from which the vehicle is imported;
- a certificate stating the exemption from excise duty if the car was imported from the territory of an EU Member State and is being registered for the first time;
- an invoice indicating the amount of excise duty.

Originals of the required accompanying documents should be submitted.

## 4. Social security and social assistance

### 4.1 Persons entitled to social assistance

#### a) Foreigners residing and staying on the Polish territory:

- on the basis of the permanent residence permit;
- on the basis of long-term EU resident permit;
- due to granting refugee status or subsidiary protection in the Republic of Poland;
- due to obtaining residence permit on humanitarian grounds or a permit for a tolerated stay – in the form of shelter, food, necessary clothing and purpose benefits;
- on the basis of temporary residence permit granted to a foreigner for the purpose of family reunification if a foreigner, with whom the family member was reunited has been granted the refugee status or the subsidiary protection;
- on the basis of temporary residence permit, granted to a foreigner who has a long-term EU resident permit granted by another Member State of the European Union and:
  - is going to work or run a business on the Polish territory under the relevant laws applicable on that territory, or
  - intends to take up or continue studies or vocational training on the territory of the Republic of Poland, or
  - demonstrates other circumstances justifying his/her residence on the territory of the Republic of Poland.

b) Citizens of EU Member States as well as of Switzerland, Iceland, Norway and Liechtenstein (citizens of the Member States of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area) residing and staying on the territory of the Republic of Poland and members of their families, who have permit of stay or permanent residence permit on the territory of the Republic of Poland.

Foreigners, who have legalised their stay in Poland on the basis of the above-mentioned permissions are entitled to all forms of assistance specified in the Act on Social Assistance (see Chapter 4 – Forms of assistance).

**IMPORTANT!** Persons, holding **residence permit on humanitarian grounds or permit for tolerated stay** are eligible for **assistance in the form of shelter, food, necessary clothing and purpose benefits**.

Foreigners, who have applied for the **refugee status**, have the right to **live in one of the centres for foreigners and get alimentation** (see section 2 – Foreign nationals applying for refugee status on the territory of Poland).

## 4.2 Foreign nationals applying for the refugee status on the territory of Poland

Foreigners, who have applied for the refugee status, as well as those covered by such an application have the right to live in open centres for foreigners, and receive social assistance from the moment of submitting the application for the refugee status. Social assistance covers:

1) Assistance provided in the centre, including:

- accommodation;
- collective full board or cash equivalent in exchange for board (may be granted if required for organisational reasons; in exchange for alimentation for the child up to 6 years old or a pupil of elementary, middle or secondary school);
- pocket money for minor personal expenses;
- regular financial help for purchase of cleaning and personal hygiene products;
- one-time financial help or vouchers for purchase of clothes and footwear;
- Polish language course and basic materials necessary for learning;
- didactic equipment for children enjoying education and care in public institutions, primary schools, gymnasia or grammar schools;
- covering, as far as possible, expenses of extracurricular classes and recreational and sports classes of children;
- financing the travel by means of public transport:
  - in order to take part in the proceedings for granting the refugee status,
  - in order to attend medical examinations,
  - in other particularly justified cases.

2) Assistance provided outside the centre comprises payments to cover the expenses of the foreigner, who decides to live on his/her own on the Polish territory (excluding costs of medical care), the so-called “cash benefits”; such categories of persons are also entitled to:

- a. assistance in learning Polish and providing basic materials necessary for learning;
- b. didactic equipment for children enjoying education and care in public institutions, primary schools, gymnasias or grammar schools;
- c. covering, as far as possible, expenses of extracurricular classes and recreational and sports classes of children.

**IMPORTANT!** A foreigner is entitled to receiving social assistance in the period covered by the proceedings on granting the refugee status, starting from the day when the foreigner approached the centre. Social assistance **shall not be granted** after **14 days** from the date of the delivery of the final decision to discontinue the proceedings, as well as after the expiry of the obligation to leave Polish territory based on the decision on refusal to grant refugee status or subsidiary protection (30 days), and after 2 months from the date of delivery of the final decision in all other cases.

Applications for granting the above-mentioned specific forms of assistance should be submitted to the Department for Social Assistance of the Office for Foreigners.

#### 4.3 Integration assistance for foreigners who were granted refugee status or subsidiary protection on the territory of Poland

Foreigners, who have received international protection (refugee status or subsidiary protection) on the territory of Poland or a temporary residence permit for the purpose of family reunification in connection with granting refugee status or granting subsidiary protection, are entitled to so-called integration assistance. This assistance is being granted by the district head [starosta] who acts on the territory appropriate for the foreigner’s place of residence.

**WARNING!** Assistance is being granted upon the application of a foreigner submitted to the district governor via the district family assistance centre within 60 days from the date the refugee status or subsidiary protection in Poland was granted to a foreigner.

The application should include:

1. written declaration of an intent to take up residence on the territory of a given voivodeship;
2. written declaration that the foreigner had not submitted such an application on the territory of another voivodeship;
3. written declaration of readiness to participate in the agreed integration programme.

A foreigner, who was granted the refugee status in the Republic of Poland, should attach copies of:

1. decision on granting the refugee status;
2. travel document specified in the Geneva Convention;
3. residence card issued upon granting the refugee status.

A foreigner, who was granted subsidiary protection in Poland, should attach copies of:

1. decision on the refusal to grant refugee status and the decision to grant subsidiary protection;
2. residence card issued upon granting subsidiary protection.

A foreigner, who was granted residence permit for the purpose of family reunion, should attach copies of:

1. decision on granting temporary residence permit;
2. residence card issued upon granting permit of stay.

**WARNING!** Spouses of Polish citizens are not entitled to receiving assistance.

Assistance is being granted for a period not exceeding **12 months**.

Assistance includes:

1. Cash benefits in the amount of 446 zł to 1.175 zł per month per person intended for:
  - a. maintenance, in particular, expenses on food, clothing, footwear, personal hygiene and housing fees;
  - b. expenses connected with the learning of the Polish language;

2. health insurance premiums;
3. social work;
4. specialist counselling, including legal, psychological and family counselling;
5. sharing information and support in contacts with other institutions, in particular labour market institutions, local community and non-governmental organisations;
6. other measures to support the integration process of a foreigner.

It is possible to obtain housing assistance in the course of the integration programme (where possible, the district [poviat] family support centre takes into account the choice of residence made by a person covered by the programme).

A person covered by the programme is required to register with the district [poviat] labour office, and, if necessary, learn Polish.

#### 4.4. Forms of social assistance:

- a) grant for meals sold at “milk bars”;
- b) cash benefits for people, whose income in the month preceding submission of the application did not exceed 634 zł net for a single person or 514 zł net per person in the family:
  - permanent benefit,
  - periodical benefit,
  - purpose benefit and special purpose benefit,
  - benefit and loan for economic independence,
  - assistance in becoming independent and to continuation of studies,
  - remuneration payable to the guardian for taking care awarded by the court.
- c) benefits in kind:
  - social work,
  - pre-paid ticket,
  - health insurance premiums,
  - social security contributions,
  - material assistance, including benefit for economic independence,
  - funeral compensation,

- specialist counselling,
- crisis intervention,
- shelter
- food,
- necessary clothing,
- care services at the place of residence, support centres and family care homes,
- specialist nursing services at the place of residence and support centres,
- protected apartment,
- stay and services in a social welfare facility,
- assistance in obtaining adequate housing, including a protected apartment, assistance in obtaining employment, in-kind assistance for persons seeking to become independent.

**IMPORTANT!** Income is considered to be the sum of the monthly revenue in the month preceding submission of the application or, in case of loss of revenue, in the month, in which the application was submitted, regardless of title and source of revenue, unless the applicable law provides otherwise, reduced by:

- ✓ monthly income tax burden on individuals;
- ✓ health insurance premiums specified in the provisions for general insurance in the National Health Fund (NFZ);
- ✓ social security specified in other regulations;
- ✓ amount of the maintenance services provided to other persons.

Income does not include the single social cash benefit, the value of benefits in kind and benefits enjoyed by an unemployed person for exercising socially useful work under the provisions on the promotion of employment and labour market institutions.

## PERMANENT BENEFIT

Permanent benefit is granted to:

- an adult person keeping a single household, incapable of working, due to his/her age or completely incapable of working, if his/her income is lower than 634 zł;
- an adult person in the family, incapable of working, due to his/her age or completely incapable of working, if his/her income as well as income per family member is lower than 514 zł.

A person is not entitled to receiving the permanent allowance if he/she is a beneficiary of the social pension, care services, special care benefit, single-parent benefit and in the case of loss of the right to unemployment benefit due to the expiry of the statutory period of its allowance or a benefit for guardian.

#### **PERIODICAL BENEFIT**

Periodical benefit may be granted in particular, due to prolonged illness, disability, unemployment, and possibility to maintain or acquire the rights to benefits on other social security systems.

#### **TEMPORARY ALLOWANCE**

Temporary allowance is granted to:

- a person keeping a single household, whose income is lower than 634 zł;
- a family whose income is lower than 514 zł per person in the family.

#### **PURPOSE BENEFIT**

Purpose benefit may be granted to satisfy essential living needs, in particular, to cover all or part of costs of the purchase of food, medicine and treatment, fuel, clothing, essential household items, small renovations and repairs in the apartment, as well as funeral expenses.

The purpose benefit may also be granted to a person or a family, who have suffered loss as a result of a fortuitous event, natural or ecological disasters.

#### **SINGLE-TIME PURPOSE BENEFIT/ INTEREST-FREE LOAN**

Municipality may grant a single-time purpose benefit or an interest-free loan to a person or family to help in becoming economically independent.

#### **SPECIALIST COUNSELLING**

Specialist counselling, in particular, legal, psychological and family counselling, is provided to persons and families who have difficulties or demonstrate the need for assistance in solving their life problems, regardless of their income.

#### **LEGAL COUNSELLING**

Legal counselling is exercised by providing information on existing provisions in the field of family law and guardianship, social security, protection of the rights of tenants.

#### **PSYCHOLOGICAL COUNSELLING**

Psychological counselling includes diagnosis, prevention and treatment.

## **THE RIGHT TO SHELTER, FOOD, NECESSARY CLOTHING**

The right to shelter, food, necessary clothing may be granted to a person or a family if they are deprived of them. The shelter is being granted by providing a temporary type of accommodation in hostels, shelters, and homes for homeless people and other designated areas.

### **AD HOC OR INTERIM ASSISTANCE**

An ad hoc or interim assistance in a form of one hot meal per day is being granted to a person, who cannot afford it by own means. In relation to children and young people in the school period, such assistance can be provided in the form of purchase of meals.

### **ASSISTANCE FOR EXTRA MEALS**

Assistance for extra meals may be granted to persons and families, whose income does not exceed 951,00 zł for a single person household and 771,00 zł per family member in the family.

A programme intended for recovering from homelessness may cover a homeless person, under which he/she receives assistance in obtaining employment and, in particular, solving his/her family and housing problems.

### **ASSISTANCE IN THE FORM OF CARE OR SPECIALIST CARE SERVICES**

Assistance in the form of care or specialist care services may be granted to a single person, who due to his/her age, illness or other reasons requires the help of others, and does not receive such help.

Care services include assistance in meeting everyday needs, hygienic care, care prescribed by a doctor and, where possible, ensuring contact with the environment.

### **STAY IN THE PROTECTED APARTMENT**

Stay in the protected apartment may be granted to a person, who due to the difficult life situation, age, disability or illness needs assistance in daily life, but not a full time care.

### **THE RIGHT TO PLACEMENT IN A SOCIAL ASSISTANCE FACILITY**

The right to placement in a social assistance facility may be granted to a person, who is in need of a full time care because of his/her age, illness or disability and who cannot function independently in daily life, and to whom the necessary assistance in the form of nursing services cannot be provided.

A person in need of intensive medical care is being referred to a care and treatment or a nursing and care facility.

The costs of stay in a social welfare facility are being borne in the first place, by a person, who was granted the right for stay, or by minor's guard-

ians, and if the payment of fees by the designated person is not possible – the costs should be covered by spouses, descendants or ascendants, and if none of the family members is able to do that – they may be covered by the municipality.

#### 4.5. Procedure for granting social assistance

The person applying for assistance should provide the social worker with an appropriate documentation proving his/her difficult life situation; wherein the social worker may ask to provide such documents as: a certificate of employment specifying the net income (detailing the gross amount and the amount of deductions of income tax and contributions for social and health insurance) covering the month preceding the date of submission of the application – in case of a person employed; a certificate of registration as an unemployed person or a certificate providing evidence on the unemployment benefits received; a decision of a doctor – medical expert of the Social Insurance Institution, a statement of the District Disability Evaluation Board, a decision of the Social Insurance Institution (ZUS) or Agricultural Social Insurance Fund (KRUS) and a disability pension coupon for the month preceding the date of submission of the application by a person with disabilities; pension benefit coupon for the month preceding the date of submission of the application by a pensioner; and documents of the received income from other sources, e.g. family and care allowance, child support allowance, housing benefit, income from agricultural holdings, proof of income from economic activity, etc.

The conclusion of proceedings shall follow immediately, not later than within one month, whereas in particularly complex cases not later than within 2 months from the date of application. Social assistance benefits are awarded in the form of an administrative decision. The decision to grant or refuse to grant the assistance is issued in writing. Benefits in the form of social work, counselling, etc. constitute an exception – these forms of assistance are granted without the need to issue a decision.

**Important!** The issued decision may be **appealed** before the second-instance authority, Self-government Appellate Court, via the facility. Appeals must be submitted within 14 days from the date of delivery of the decision.

## 4.6 Pension scheme

Foreigners, staying on the territory of Poland, performing work on the basis of an agency contract or the service contract signed with a Polish employer or on the basis of other type of a service contract, to which, under the Civil Code, provisions relating to the service contract apply, are a subject of compulsory social insurance; unless precluded by special international agreements.

**Important!** Pupils and students up to age 26 are not subject to compulsory pension insurance under the service contract.

**Important!** Foreigners, whose stay on the Polish territory is not permanent and who are employed in foreign diplomatic missions, consulates, special missions or international institutions are not subject to Polish provisions on social security, unless international agreements provide otherwise.

### ADDITIONAL INFORMATION FOR UKRAINIAN CITIZENS

The Social Security Agreement signed by the Republic of Poland and Ukraine covers pensions, pension due to inability to work, family benefit, pensions in respect of accidents at work and occupational diseases, one-time compensation of accident insurance, funeral compensation, unemployment benefit.

Thanks to the Agreement, persons, who do not have sufficient insurance period or a self-employment occupation required for eligibility for the benefits, may obtain these benefits on the basis of the insurance periods completed in another country. For instance, for the purposes of getting unemployment benefits in either Poland or Ukraine, the periods of insurance and employment or self-employment in both countries will be taken into account, whereas the exact amount of the benefit will be determined in accordance with the provisions of the state granting the benefit.

### PENSIONS AND ANNUITIES

Conditions for obtaining a pension are the same for both country nationals and foreigners. These are: being a subject to insurance, paying social insurance contributions, reaching the retirement age and having a minimum insurance record.

In order to get a pension/annuity in Poland or Ukraine, it is necessary to fulfil the conditions imposed by the national legislation of each of these countries; thus, for instance, reaching the retirement age provided for in the country, condition to demonstrate an appropriate long-service insurance (as long as the legislation of a State provides for the need to demonstrate such long-service experience for the entitlement to certain benefits).

The agreement allows for transferring benefits to eligible persons to their place of residence in Poland or Ukraine, with the exception of unemployment benefits, as well as protection against the loss of social security rights, acquired in another country.

## 5. Healthcare

Healthcare insurance [insurance with the Polish National Health Fund (Narodowy Fundusz Zdrowia, NFZ)] provides a basis for having access to free health care (insurance in case of illness, accident, injury, poisoning, life-threatening condition).

Healthcare insurance covers an employee paying compulsory national insurance contributions [to the National Insurance Service (ZUS)], if he or she is the holder of:

- visa permitting undertaking employment, or
- permanent residency permit, or
- temporary stay permit

Healthcare insurance also covers foreigners employed at higher education institutions in the capacity of academic lecturers, so long as they are holders of the above mentioned documents.

Those individuals who run their own businesses are required to pay the medical contributions themselves.

**Please note:** The insurance becomes invalid after 30 days following the termination of contract of employment, and 30 days following the date of death of the insured person in case other family members were covered by it.

**Important!** Regardless of the Polish healthcare insurance cover, citizenship or the lack of it, being the holder of documents permitting stay within the territory of the Republic of Poland, those foreigners in **sudden medical emergency** shall receive free healthcare in the form of **medical rescue**.

Medical care in Poland is provided by:

- hospitals;
- GPs (health centres, health clinics, out-patients' surgeries) - for patients requiring basic and specialist healthcare;
- Emergency service - provides help in case of accident, injury, childbirth, sudden illness or sudden, life-threatening, deterioration of health;

**Please note:** Medical services provided by private healthcare are free only if the provider or medical practitioner is contracted by the National Health Fund (NFZ).

In the event of health problems a foreigner needs to visit a General Practitioner (GP) [lekarz rodzinny]. Should such need arise, he or she may refer the foreigner to a specialist clinic or to a hospital. A GP should be chosen at the GP surgery nearest to the foreigner's place of residence. The foreigner can change his/her GP (2 times a year free of charge).

An insured patient does not pay for the doctor's visits, diagnostic tests, minor and major surgeries, however he or she is liable, in part or in full, for the cost of medicines. The medicines prescribed by the doctor must be bought within 30 days from the date of issue on the prescription; in the case of antibiotics, the prescription is valid for 7 days. Hospitalized patients as well as patients remaining in care of other full time medical care providers receive the required medicines free of charge.

Dental treatment in Poland is mostly done privately, though the patient is eligible to receive basic procedures (for example, teeth extraction, dental amalgam fillings).

In life-threatening situations the emergency ambulance services should be called on: 999 - or dialed general alarm number 112 (both numbers are available from the landlines or mobiles).

## 6. Education

### 6.1 Nursery and pre-school (zerówka)

Children can attend nursery from the age of 3. Nursery education is not obligatory, however pre-school preparation (*przygotowanie przedszkolne*), for children at the age of 5, is obligatory. Nursery enrolment, in most cases, takes place in March each year.

A foreigner needs to pay for public nurseries in part. Due to an insufficient number of public nurseries, many parents opt for private ones.

## 6.2 Primary school, junior high school and upper secondary school

Education at primary school, junior high school [gimnazjum], and upper secondary school [szkoła ponadgimnazjalna] is obligatory and free until the age of 18. A child can attend a local school (nearest to the place of residence) or a school outside one's catchment area. To register a child for the first year with a public primary school, it is necessary to complete a registration form and submit it at the school's admissions office. In the case of a local (district) school, only a registration form needs to be completed. The local school accepts all students who apply. Applications on behalf of children starting their education in September of the given year should be submitted in March.

The enrolment of foreigners to grades II-VI of the public primary school, junior high school or upper secondary schools is based on an education certificate (świadectwo) or other document certifying the completion of school or grade abroad.

Additional information:

<http://men.gov.pl/en/recognition-of-foreign-school-certificates-and-diplomas-in-poland/>

Grade VI ends with the so-called test for the sixth grade students [sprawdzian szóstoklasistów]. The test result has no bearing on whether the child completes the primary school education. However it could be taken into consideration at the stage of enrolment to junior high school [gimnazjum]. The test grades the skills of reading, writing, drawing conclusions, using information and applying practical knowledge. Taking the test is compulsory.

The junior high school ends with a compulsory exam, which comprises elements of humanities, mathematics and language studies. The exam result is decisive so far as enrolment to upper secondary school is concerned.

- three year secondary school of general education [liceum ogólnokształcące, LO] completed with matriculation exam - secondary school graduation exam [egzamin maturalny]
- four year secondary school of technical education [technikum, T ]completed with obtaining the vocational qualification diploma and matriculation exam (secondary school leaving exam)
- three year vocational school [zasadnicza szkoła zawodowa, ZSZ] completed with obtaining the diploma confirming vocational qualification in se-

lected professions; willingness to take the matriculation exam, requires continuing education in a supplementary secondary school of general or technical education, or secondary school of general education for adults [liceum ogólnokształcące dla dorosłych].

Students who successfully complete their courses in secondary schools of general or technical education can continue their education in post-secondary or higher education schools.

Additional information:

<http://eurydice.org.pl/publikacja/the-system-of-education-in-poland-2014>

### 6.3 Higher education

In Poland a foreigner can study at public or private higher education institutions. There is a system of full-time studies (stationary – with lectures from Monday to Friday) and extramural (non-stationary – the lectures take place at weekends). Some higher education institutions offer evening studies.

Full-time studies at public higher education institutions are free for foreigners, who:

- have been granted a permanent stay in Poland permit
- have refugee status or the supplementary protection
- are the holders of Pole's Card
- have been granted in the Republic of Poland territory a permit as a long term EU resident

Evening and extramural studies at public higher education institutions are not free. Foreigners studying in Poland may receive grants for their studies, in which case they can study for free.

Additional information:

<http://www.nauka.gov.pl/en/higher-education-system/>

## 7. Victims of crime

If a foreigner has been a victim of crime, he/she should immediately report it at the nearest police station (see the chapter on Police stations). The foreigner needs to accurately describe what happened to him/her. Also, he/she should try to ask for help from witnesses to this crime.

If the foreigner needs legal support, he/she should contact one of the

organisations offering free legal assistance. If he/she has been accused of committing a crime and the case goes before the court, he/she can apply for free legal representation.

### 7.1. Obtaining compensation in the case of motor insurance claims

Owners of motor vehicles (eg. cars, motorbikes, tractors) must be covered by motor liability insurance [*ubezpieczenie komunikacyjne odpowiedzialności cywilnej, OC*]. If the user of the vehicle – namely the driver – by the act of driving it, getting into it or loading it, causes an accident or damages another person's property, or leads to health disorder, injury or death, the insurance company with which the user entered into a motor liability contract (OC), shall pay the compensation to those affected by it.

To obtain compensation for personal injury that relates to physical injury or health disorder, you need to provide relevant proof, certificates and bills, justifying the basis for your claim for compensation and the amount you are seeking.

When claiming compensation for a decrease in the value of your car you need to specify the amount of damage and submit it to the insurance company in writing. Should the insurer reject the claim, the best solution is to refer the matter to the court.

It is possible that the party responsible for the accident is uninsured or cannot be identified. In such case, the claim should be made with any insurance company, which then transfers all gathered documentation to the insurance guarantee fund [*Ubezpieczeniowy Fundusz Gwarancyjny*], which, on fulfilment of additional conditions, shall be liable for paying out the compensation.

### 7.2. Obtaining compensation in the event of damages related to the working environment.

If a foreigner is employed in the territory of the Republic of Poland, his/her employer must pay social insurance institution contributions (Zakład Ubezpieczeń Społecznych, ZUS), which, in the event of accident at work, shall cover the compensation. If, however, the ZUS contributions are insufficient to cover all the medical expenses, he/she can claim compensation from his/her employer.

Work accident is a sudden event caused by an external cause, resulting in injury or death, which occurred in connection with work. It is important that immediately after the accident the event is reported to the employer, who should, among other things, write down the accident report (protokół powypadkowy) and complete the accident form (karta wypadku). These documents should be submitted to the competent labour inspection authority. They will also be required by the ZUS, where the employer (covering the insurance contributions) at the request of the employee applying for the compensation, should submit all the documents, including the application to grant compensation (wniosek o przyznanie świadczenia).

Parallel to the payments claimed from ZUS, the employee who suffered from the accident at work resulting in injury or health disorder, may also claim compensation from his employer under the provisions of the Civil Code. Generally, the injured employee should present some evidence of employer's liability, the damage suffered and the cause- effect link. For this, the best solution would be instructing a lawyer to assist.

Additional information:

[http://www.zus.pl/files/social\\_insurance.pdf](http://www.zus.pl/files/social_insurance.pdf)

[http://www.zus.pl/files/Social\\_Insurance\\_in\\_Poland\\_2014.pdf](http://www.zus.pl/files/Social_Insurance_in_Poland_2014.pdf)

## 8. Useful addresses:

### 8.1. Local authorities and institutions

- **Urząd Miasta Krakowa - the Municipality of Krakow**  
Pl. Wszystkich Świętych 3-4, 31-004 Kraków  
e-mail: [umk@um.krakow.pl](mailto:umk@um.krakow.pl)
- **CENTRALNA INFORMACJA UMK:**  
- general information - the Municipality of Krakow  
tel.: 12 616 1200 / 12 616 1207, fax: 12 616 1721
- **Wydział Mieszkalnictwa - Housing Department**  
Wielopole 17a, 31-072 Kraków  
tel.: 12-616-8241, 12-616-8242  
fax: 12-616-8243
- **Wydział Ewidencji Pojazdów i Kierowców**  
– Vehicles and Drivers Department  
Al. Powstania Warszawskiego 10, 31-549 Kraków  
tel. 12-616-9109  
fax: 12-616-9364
- **Wydział Spraw Administracyjnych - Administrative Department**  
Al. Powstania Warszawskiego 10, 31-549 Kraków  
tel.: 12-616-9320  
fax: 12-616-9323
- **Małopolski Urząd Wojewódzki w Krakowie**  
- Małopolska Provincial Office in Krakow  
ul. Basztowa 22, 31-156 Kraków  
tel. 12 39 21 527, 39 21 200  
fax 12 422 72 08  
e-mail: [urząd@malopolska.uw.gov.pl](mailto:urząd@malopolska.uw.gov.pl)
- **Wydział Spraw Obywatelskich i Cudzoziemców**  
- Department of Nationals' and Foreigners' Affairs  
ul. Przy Rondzie 6, Kraków  
tel. 12 422 31 05  
fax 12 422 30 19

- Powiatowe Centrum Pomocy Rodzinie – District Family Support Centre  
Al. Słowackiego 20, Kraków  
tel. 012 634 42 66 ext. 563 – 569
- Miejski Ośrodek Pomocy Społecznej  
- Municipal Social Services Centre

There are separate branches depending on the place of residence in Krakow. To locate the nearest branch, you need to type the address in the tab saying 'znajdź filię' (meaning 'find the branch'):

<http://www.mops.krakow.pl/znajdz-filie>

## 8.2. Organisations

- Centrum Pomocy Prawnej im. Haliny Nieć – Halina Niec Legal Aid Centre  
ul. Krowoderska 11/7  
31- 141 Kraków  
*Legal support for persons applying for refugee status and foreigners in return procedures*
- Polska Akcja Humanitarna - Polish Humanitarian Action  
ul. Szewska 4  
31-009 Kraków  
tel. (012) 42 15 771  
e-mail: [krakow@pah.org.pl](mailto:krakow@pah.org.pl)  
*Financial support*
- Caritas Archidiecezji Krakowskiej – Catholic charity organisation  
ul. M. Ossowskiego 5  
30-656 Kraków  
tel. 12/ 637 07 12, 12/ 638 07 08  
*Social support*
- Dzieło Pomocy Ojca Pio – Catholic charity organisation  
ul. Loretańska 11, 31-114 Kraków  
tel.: (12) 422-48-03  
*Social support, medical consultations*
- Ośrodek Interwencji Kryzysowej - Crisis Intervention Centre  
ul. Radziwiłłowska 8b, Kraków  
tel. 012 421 92 82  
*Psychologist support*
- Towarzystwo Kobiety Przeciw Przemocy – Association Women Against Violence  
ul. Chodkiewicza 17, Kraków  
tel. 012 429 55 42  
*Domestic violence related problems, crisis intervention, providing legal advice*
- Studencka Poradnia Prawna UJ – The Jagiellonian University Student Legal Advice Centre  
ul. Krasieńskiego 18/3  
Kraków  
tel.: 12 430 1997

### 8.3. Public GPs and health centres

- Przychodnia MSW  
ul. Kronikarza Galla 25, Kraków  
tel. 12 662 31 59
- Przychodnia Przyszpitalna przy Szpitalu Specjalistycznym J. Dietla  
ul. Skarbowa 4, Kraków  
tel. 12 687 62 70
- Przychodnia Przyszpitalna przy Wojewódzkim Specjalistycznym Szpitalu Dziecięcym im. św. Ludwika  
ul. Strzelecka 2, Kraków  
tel. 12 619 86 15

### 8.4. Police Stations at the Centre of Krakow

- Police Station I Stare Miasto:  
ul. Szeroka 35, Kraków  
tel.: 12 61 57 712
- Police Post Rynek Główny:  
Rynek Główny 29, Kraków  
tel.: 12 615 73 17
- Police Station II Grzegórzki  
ul. Lubicz 21  
31-503 Kraków  
tel. 12 61 52 915, 61 57 222, 61 56 308

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