

Obstacles for starting the proceeding are:

- illegal stay (does not apply to children of foreigners, who were born in Poland),
- stay on the basis of:
 - visa issued for humanitarian purposes (Goal: 21),
 - temporary residence permit issued with regard to the circumstances requiring a short-term stay (art. 181 AoF) - does not apply to people of Polish origin,
 - long-term EU-resident permit,
- arrest and sustaining in the foreigners detention center, the decision of a preventive measure - a ban to leave the country,
- serving a sentence in a prison or detention centre,
- obligation to leave Polish territory after the final negative decision on: extending the visa, granting temporary residence permit, permanent residence, long-term EU-resident permit, granting international protection, as well as the withdrawal of consent to stay for humanitarian reasons – those conditions do not apply to persons granted asylum,
- staying outside Poland,
- refusal to submit fingerprints.



The foreigner will receive a decision refusing a permanent residence permit if:

- he does not meet the requirements for granting the permit,
- the foreigner's data are entered into the register of foreigners whose residence is undesirable, or are entered in the Schengen Information System for the purpose of refusal of entry,
- it is required for reasons of state security or defence or protection of public safety and order, or it is required due to the interests of the Republic of Poland,
- in the course of the procedure for granting a permanent residence permit:
 - the foreigner filed an application containing false personal data or false information,
 - made false statements or forged a document and presented it as authentic.

Duration of the procedure:

Procedure for granting a permanent residence permit shall be completed within 3 months from the date of its initiation, while the appeal proceeding - within 2 months from the date of submitting the appeal.



RULE OF LAW INSTITUTE FOUNDATION

ul. Chopina 14/70, 20-023 Lublin
www.panstwoprawa.org



PERMANENT RESIDENCE PERMIT



Project *Information Center for Foreigners* is co-financed from National Programme of Asylum, Migration and Integration Fund and state budget

Safe Harbour

What criteria determine the granting of a permanent residence permit?

FAMILY TIES

- Children of a foreigner who has permanent residence permit or a long-term EU-resident permit in Poland:
 - if they were born after the parent was granted the abovementioned residence permit, or
 - if they were born during the period of validity of the temporary residence permit granted to a parent.
- Children of a Polish citizen remaining under the parental custody.
- Spouses of Polish citizens:
 - if the marriage lasts at least 3 years, and
 - for the last 2 years the basis of uninterrupted stay was a temporary residence permit on the basis of marriage, refugee status, subsidiary protection or consent to stay for humanitarian reasons.

LONG-TERM UNINTERRUPTED STAY

- after 5 years - on the basis of refugee status (waiting period for a decision on granting refugee status also may be included),
- after 5 years - on the basis of subsidiary protection (waiting period for a decision to grant subsidiary protection also may be included),
- after 5 years - on the basis of consent to stay for humanitarian reasons,
- after 10 years - on the basis of consent for tolerated stay (except in the case when the stay was granted because of the impracticability of the decision on return).

UNINTERRUPTED STAY – total breaks in the whole period (10 years, 5 years, 2 years), should not exceed 10 months, while a single break may not exceed a time of six months.

Breaks are not counted if they are caused by:
- delegating to work abroad by the employer registered in Poland; - accompanying a spouse who is delegated to work abroad; - special personal situation (up to 6 months); - internship or participation in the lessons abroad provided by the course of study in Polish university.

Example: The foreigner has a consent to stay for humanitarian reasons since 01/01/2011. Since that time, he had been abroad three times: between 01/05/2012 and 01/08/2012 (3 months), from 10/08/2013 to 10/09/2013 (1 month), from 03/10/2014 to 03/01/2015 (3 months). A period of 5 years of residence has elapsed on 01/01/2016, the break in residence amounted to a total of 7 months (less than 10 months) and none of the single breaks exceeded six months - the uninterrupted stay requirement has been met.

POLISH ORIGIN/THE POLE'S CARD

- persons of Polish origin or having a Pole's card are to prove Polish nationality or citizenship of at least one of the parents, grandparents or two great grandparents,
- and intend to settle permanently in Poland.

THE VICTIM OF HUMAN TRAFFICKING

- after at least a year of stay on the basis of temporary residence permit for victims of human trafficking,
- under the condition of cooperation with law enforcement authorities in a criminal case concerning the crime of human trafficking,
- subject to the justified fear of returning to the country of origin, which was confirmed in a criminal proceeding.

ASYLUM

- foreigner received asylum on the basis of the decision of the Head of the Office for Foreigners (asylum may be granted at the request of the foreigner, if it is necessary to provide him with protection and if it is in a good interest of the Republic of Poland).

FAMILY OF THE REPATRIATE

- Head of the Office for Foreigners grants a permanent residence permit to the family members of the repatriate, who returns to Poland on the basis of the visa issued for the purpose of repatriation.

The procedure of granting a permanent residence permit:

- the application is to be submitted to the Voivode according to the place of residence of the foreigner,
- the application form must be completed in Polish,
- the application shall be accompanied by:
 - 4 current photographs,
 - a copy of the travel document (original for visual inspection purposes),
 - the documents confirming the fulfillment of the requirements for granting the permit, which are:
 - copies of documents on civil status - to confirm family ties,
 - the decision on granting the residence permit and a copy of the residence card - to confirm the legality of stay on the territory of Poland,
 - documents confirming Polish nationality or citizenship of ancestors.