

ORDINANCE
OF THE MINISTER OF INTERIOR AND ADMINISTRATION²⁾

of 18 December 2007

on visas for foreigners

(Dz. U. of 21 December 2007)

Based on Article 52 (1) of the Act of 13 June 2003 on foreigners (Dz. U. of 2006 No 234, item 1694 and of 2007 No 120, item 818 and No 165, item 1170), it is hereby ordained:

Article 1. The Ordinance specifies the following:

- 1) symbols on visas, excluding visas issued to heads and members of diplomatic missions, heads of consular posts and personnel of foreign consular posts and other persons of equal status pursuant to legal acts, agreements or commonly established international practices.
- 2) specimen of the national visa;
- 3) specimen of the sheet for affixing the visa;
- 4) specimens of visa application or visa extension application forms and the number of photographs, as well as requirements concerning photographs enclosed with applications;
- 5) procedure for recording acceptance of visa applications;
- 6) procedure for affixing the visa to a travel document and for annulment of a visa issued to a legal representative in the case referred to in Article 34 (2) of the Act of 13 June 2003 on foreigners, hereinafter referred to as the "Act";
- 7) procedure for recording the decision to refuse or annul visa in a travel document by the Commanding Officer of the Border Guard checkpoint.

§ 2. 1. Visas shall bear the following symbols:

- 1) airport visa - "A";
 - 2) transit visa - "B";
 - 3) uniform residence visa - "C";
 - 4) national residence or entry visa for repatriation - "D";
 - 5) national residence visa of the same validity as the uniform residence visa - "D + C".
2. The „comments” section of a visa sticker shall include an inscription of „the purpose of issue” and the following symbols for the purposes of issue of uniform and national residence visas or entry visa for repatriation:
- 1) "01" – if the visa is issued for the purpose of tourism;
 - 2) "02" – if the visa is issued for the purpose of a visit;
 - 3) "03" – if the visa is issued for the purpose of participation in sporting events;
 - 4) "04" – if the visa is issued for the purpose of running economic activity;

²⁾ The Minister of Interior and Administration is in charge of government administration – internal affairs pursuant to Article 1 (2) (3) of the Ordinance of the President of the Council of Ministers of 16 November 2007 laying down the detailed scope of activity of the Minister of Interior and Administration (Dz. U. No 216, item 1604).

- 5) "05" – if the visa is issued for the purpose of cultural activity or participation in international conferences;
- 6) "06" – if the visa is issued for the purpose of performance of statutory functions by representatives of a foreign state authority or an international organisation;
- 7) "07" – if the visa is issued for the purpose of taking part in asylum proceedings;
- 8) "08" – if the visa is issued for the purpose of work;
- 9) "09" – if the visa is issued for the purpose of science, training or education;
- 10) "10" – if the visa is issued for the purpose of enjoying temporary protection;
- 11) "11" – if the visa is issued for the purpose of an arrival for reasons referred to in Article 33 (1) of the Act;
- 12) "12" - if the visa is issued for the purpose of a stay of the minor referred to in Article 34 of the Act;
- 13) "13" - if the visa is issued for the purpose referred to in Article 44 (3), Article 61 (3) or Article 71a (3) of the Act;
- 14) "14" – if the visa is issued for the purpose of migration of the closest family member of the repatriate;
- 15) "15" – if the visa is issued for the purpose of executing the residence permit for a fixed period, the permit to settle or the residence permit for a long-stay EC resident;
- 16) "16" – if the visa is issued for the purpose of joining or staying with a citizen of an European Union or European Free Trade Association (EFTA) Member States – parties to the agreement on European Economic Area or Swiss Confederation;
- 17) "17" – if the visa is issued for the purpose of taking part in a cultural or educational exchange, humanitarian aid or student summer work programmes;
- 18) "18" – if the visa is issued for the purpose of repatriation;
- "19" – if the visa is issued for purposes other than specified in Article 26 (4) (a-r) of the Act.

- Article 3.** 1. Specimen of the national visa is provided in Annex 1 to the Ordinance.
2. Specimen of the sheet for affixing the visa is provided in Annex 2 to the Ordinance.
3. Specimen of the visa application is provided in Annex 3 to the Ordinance.
4. Specimen of the residence visa extension application is provided in Annex 4 to the Ordinance.

- Article 4.** 1. Visa or visa extension applications shall be accompanied by two recent photographs of persons referred to in the application, undamaged, clear, in colour, size 4.5 cm x 3.5 cm, showing the person without a hat or glasses with dark lenses, looking straight ahead, eyes open and not hidden by hair, natural look on the face and lips closed, face lit evenly.
2. A person with sight defect wearing glasses with dark lenses may enclose the visa or visa extension application with photographs showing the person in glasses with dark lenses, and a person wearing a hat pursuant to religious rules may enclose photographs showing the person in a hat; the hat may not prevent from identifying the person.

- Article 5.** 1. Acceptance of a visa application shall be recorded in the travel document on the first blank page intended for affixing visas.
2. Authorities competent for the issue of visas, excluding the consul, shall record acceptance of the visa application by impressing the date stamp and official seal of the authority accepting the application.
3. The consul shall record acceptance of the application by impressing a corresponding seal.

Article 6. 1. The visa shall be affixed to a travel document on the page where the acceptance of visa application was recorded by affixing a properly secured sticker completed by the authority issuing the visa.

2. A visa issued to a legal representative in the case referred to in Article 34 (2) of the Act, shall be invalidated in the travel document by impressing an official seal and date stamp or by placing a note of the legal basis for the visa annulment, stating „cancelled”, and a signature of an authorised officer of the Office of the Voivode competent for the place of stay of the legal representative and by impressing the date stamp.

Article 7. 1. Decision to refuse a transit or residence visa and decision to invalidate a visa shall be recorded in the travel document by impressing a seal with the decision type, number and legal basis, and signature of the authorised Border Guard officer and a date stamp or by placing a note of the decision type, number and legal basis, and signature of the authorised Border Guard officer and by impressing the date stamp.

2. For decisions to invalidate visa in the travel document it is also required to impress the seal stating "cancelled", and to destroy the optically variable feature of the visa sticker, the security feature "latent image effect" as well as the term "visa" by scraping it off diagonally so as to prevent any later misuse.

3. Invalidation of an incorrectly completed visa sticker in a travel document shall be made by crossing the sticker diagonally. Additionally, the security feature “latent image effect” and the term “visa” must be destroyed as specified in Paragraph 2.

Article 8. Ordinance of the Minister of Interior and Administration of 19 October 2007 on visas for foreigners (Dz. U. No 217, item 1613) shall expire.

Article 9. The Ordinance shall enter into force on the day specified by Council Regulation, pursuant to Article 3 (2) of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded of 16 April 2003 (Dz. U. of 2004 No 90, item 864).

Consolidated text containing the amendments introduced by the Act on participation of the Republic of Poland in the Schengen Information System and Visa Information System

ACT
of 13 June 2003

on foreigners

Chapter 1

General provisions

Article 1. The Act shall lay down the principles and conditions governing entry into, transit through, residence on, and departure from the territory of the Republic of Poland as they apply to foreigners, as well as the procedure and authorities competent in these matters.

Article 2. Any person who does not have Polish citizenship shall be regarded as a foreigner.

Article 3. This Act shall not apply:

- (1) with exception of Article 13 (1), Article 25, Article 26, Articles 35 – 41, Article 51 (1) and Article 144, to heads and members of staff of diplomatic missions, heads of consular posts and members of consular staff of foreign states, or to other persons treated equally under applicable laws, treaties or generally recognised international customs, on condition of reciprocity and subject to the requirement of holding appropriate documents confirming the function fulfilled by such persons.
- (2) to nationals of the European Union Member States, as well as to the nationals of the European Free Trade Association (EFTA) Member States, which are parties to the agreement of the European Economic Area or Swiss Confederacy and their family members, with the exception of Articles 93, 94, 96, 100, Chapters 9 and 10, Article 124 Subparagraph 1 (g) and Subparagraphs 2 and 4, Article 125 (1) (2) in the scope concerning Article 124 Subparagraph 1 (g), Article 126 (1) (4) and (7) and Paragraph 2, Article 127, Article 128 (2), Article 131-134, applicable to citizens of the European Union Member States and the European Free Trade Association (EFTA) Member States, which are parties to the Agreement on the European Economic Area or the Swiss Confederacy, and their family members,
 - (a) Article 93, 94, 96 and 100, Chapters 9 and 10, Article 124 Subparagraph 1 (g) and Article 124 Subparagraphs 2 and 4, Article 125 (1) (2) in the scope relating to Article 124 Subparagraph 1 (g), Article 126 Subparagraph 1 (4) and (7) and Paragraph 2, Article 127, Article 128 (2), Articles 131-134a applicable to the residents of the EU Member States, Member States of European Free Trade Association (EFTA) – parties to the agreement on European Economic Area or the Swiss Confederation and their family members,
 - (b) Articles 25, 26 Subparagraph 4 (p), Article 45 (1) (1a) and (2), Article 48 (1) (1) and Paragraphs 3 and 5-7, Article 49, 52, 84a, Chapter 8a, Article 124 Subparagraph 1 (a), Article 125 (1) (1), Article 126 (1) (1) (a), applicable to family members of citizens of the European Union Member States and of the European Free Trade Association (EFTA) Member States, which are parties to the Agreement on the European Economic Area or the Swiss Confederacy, not being citizens of these states;
- (3) to foreigners applying for protection and to those who have been granted protection on the grounds of the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Dz.U. of 2006, No 234, item 1695), in the scope regulated by this Act;
- (4) to foreigners of Polish origin and the closest members of the repatriate's family in the scope regulated by the Act of 9 November 2000 on Repatriation (Dz.U. of 2004 No 53, item 532 and of 2005 No 94, item 788).

Article 4. The terms used in this Act shall mean:

- (1) travel document - a document recognised by the competent authority of the Republic of Poland, authorising its holder to cross the border, which has been issued to an foreigner by the authority of a foreign state, the Polish authority or an international organisation, or an entity authorised by the agency of a foreign state or a foreign state authority;
- (2) the border - state border of the Republic of Poland within the meaning of the Act of 12 October 1990 on State Border Protection (Dz.U. of 2005, No 226, item 1944);
- (3) the carrier - a natural or legal person who, for economic purposes, carries persons by air, sea or land;
- (4) international airport transit zone - the area of an international airport situated on the territory of the Republic of Poland, ranging from the board of the aircraft to the border checkpoint, covering airport apron and terminals;
- (5) **visa – permission issued to a foreigner by Polish authority or the authority whose competence in that matter stems out from the provisions of international agreements binding the Republic of Poland or the authority of the Schengen states, authorising an foreigner to enter into, transit through, reside on the territory of the Republic of Poland or other Schengen states, for the period, purpose and on conditions specified therein;**
- (5a) **uniform visa – visa as referred to in Article 10 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ EU L 239, 22.09.2000, p. 19, as amended);**
- (5b) **national visa – visa authorising entry into, transit through, residence on the territory of the Republic of Poland;**
- (5a) **central visa authority – authority competent for consultations, including electronic consultations referred to in Article 12 (2) of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders;**
- (5d) **Schengen states – states fully applying the Schengen acquis;**
- (6) work permit - permit for work issued on the basis of the Act of 20 April 2004 on Promotion of Employment and Labour Market Institutions (Dz.U. No 99, item, 1001, as amended);
- (7) permit for tolerated stay – permit for tolerated stay within the meaning of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland;
- (8) scientific research – scientific research and development works within the meaning of the Act of 8 October 2004 on the Principles of Financing Science (Dz.U. No 238, item 2390 and No 273, item 2703 and of 2005 No 85, item 727 and No 179, item 1484);
- (9) scientist – an foreigner with at least a professional title corresponding to the professional title of the master's degree or an equal title in the Republic of Poland, facilitating at least the access to doctoral studies;
- (10) scientific institution:
a college or a scientific entity referred to in Article 2 Subparagraph 9 (b) – (f) of the Act of 8 October 2004 on the Principles of Financing Science,
(b) organisational unit carrying out ongoing scientific research, having its seat within the territory of the Republic of Poland and able to subject itself to the rights and obligations, including a research and development centre referred to in the Act of 29 July 2005 on certain forms of support for innovative operations (Dz.U. No 179, item 1484 and of 2006 No 107, item 723).

Article 5. A foreigner who is a citizen of two or more states shall be treated as a citizen of the state the authority of which had issued the travel document presented by the foreigner upon crossing the border of the Republic of Poland.

Article 6. In cases which remain within the competence of the Voivode, where the Voivode is the authority competent to examine an appeal in matters regulated in this Act or where the higher level authority is the President of the Office for Repatriation and Foreigners, Article 33 of the Act of 5 June 1998

on governmental administration in the Voivodeship (Dz.U. of 2001 No 80, item 872, as amended) shall not apply.

Article 7.1. The proceedings in cases regulated by this Act shall be carried out according to the provisions of the Code of Administrative Procedure unless otherwise provided for by this Act.

2. The procedure concerning matters regulated by this Act which fall within the competencies of the consuls, the provisions of the Act of 13 February 1984 on the Functions of Consuls of the Republic of Poland (Dz.U. of 2002 No 215, item 1823 and of 2004 No 173, item 1808) shall apply, unless otherwise provided for by this Act.

Article 8.1. The authority issuing a decision or a ruling in a proceeding conducted on the grounds of the Act may refrain from justifying such decision or ruling, fully or partially, where required for reasons of state security or defence or of public security and order, notwithstanding Paragraph 2 above.

2. However, the authority shall not refrain from justifying a decision or a ruling in the part referring to recognition of Polish origin of the foreigner.

Article 9. If the area of territorial competence of Border Guard divisions does not include any part of the territory of the Republic of Poland, the tasks set out in Article 8, 62 (5) and (7) and Article 71b (4) and (6) on this part of territory shall be performed by the Commandant in Chief of the Border Guard.

Article 10.1. An foreigner who applies for the granting or prolongation of visa, the granting of a residence permit for a fixed period, a permit to settle or a long-term resident's EC residence permit, hereinafter referred to as the "long-term resident's EC residence permit", shall be informed in the language understandable to him/her about the procedure and its principles as well as the rights he/she is entitled to and the obligations imposed on him/her.

2. Where the procedure to expel a foreigner from the territory of the Republic of Poland is initiated on request of the authority which apprehended the foreigner, the authority that applied for the decision to expel shall caution the foreigner.

Article 11.1. Applications relating to procedures regulated by this Act shall be drawn up in the Polish language.

2. An application for the visa to be issued by a Consul may be drawn up in a foreign language indicated by the Consul.

3. Documents drawn up in a foreign language and used as the evidence in proceedings conducted on the grounds of this Act should be submitted together with their translation into the Polish language, effected by a sworn translator.

4. The translator's given name and surname shall be indicated in the records of interrogations of foreigners submitting applications in the matters regulated by this Act.

Article 11a. 1. Letters concerning the matters regulated by this Act shall be delivered to natural persons at the address indicated by them or at any other place where the addressee can be found.

2. Foreigners who are imprisoned shall be delivered letters via the institution in which they stay.

3. In the course of the procedure, the parties and their representatives as well as plenipotentiaries shall inform the public administration authority, before which the case is prosecuted about any, also temporary, change of address, and in the case of going abroad the address for deliveries in the country shall be indicated.

4. In the case of negligence of the obligations specified in Paragraph 3, the service of a letter to the current address shall have the legal effect of delivery.

5. If the addressee does not reside under the address indicated and if it is impossible to deliver a letter with return receipt to an adult household member or other person residing or staying under the address indicated who would undertake to deliver the letter to the addressee, the letter returned to the sender shall be regarded as delivered on the day when the attempt to deliver it was made.

6. In the case of absence of the addressee, Articles 43 and 44 of the Code of Administrative Procedure shall apply.

Article 12.1. The following personal data of the foreigner may be processed during procedures and in registers kept on the grounds of the provisions of this Act:

- (1) given name (names) and surname;
- (2) earlier surname;
- (3) surname at birth;
- (4) sex;
- (5) father's given name;
- (6) mother's given name and surname at birth;
- (7) date of birth or age;
- (8) place and country of birth;
- (9) description:
 - (a) height in centimetres,
 - (b) colour of eyes,
 - (c) distinctive features;
- (10) fingerprints;
- (11) citizenship;
- (12) nationality;
- (13) marital status;
- (14) education;
- (15) current occupation;
- (16) place of employment;
- (17) place of residence or stay;
- (18) information on criminal record, criminal and petty offences proceedings currently conducted against him/her as well as judicial or administrative decisions in his/her case;
- (19) military service status;
- (20) information on abroad travels and stays within the last 5 years;
- (21) index number of the General Electronic Population Register System (PESEL);
- (22) face image.

2. In proceedings concerning granting or prolongation of a visa, or refusing entry and in proceedings for granting the residence permit for a fixed period, in addition to the data referred to in Paragraph 1, also data concerning the foreigner's state of health may be processed.

Article 12a. In cases referred to in this Act, fingerprints shall be taken from a foreigner who is at least 14 years of age.

Chapter 2

Crossing the border

Article 13.1. A foreigner may cross the border and stay on the territory of the Republic of Poland if he/she is in possession of a valid travel document and a visa, unless this Act states otherwise.

1a. The conditions of crossing the border by school pupils from third countries taking part in school trips from other Member State of the European Union as well as conditions of stay of those foreigners on the territory of the Republic of Poland shall be determined by provisions of law of the European Union.

2. If it is necessary to maintain reciprocity in relations with other states, crossing the border of a foreigner may be dependent on paying a fee related to the entry into the territory of the Republic of Poland.

3. The fee referred to Paragraph 2 shall constitute the revenue of State budget.

4. The Council of Ministers may specify, by ordinance, the list of states, whose citizens are obliged to pay the fee referred to in Paragraph 2, the amount of the fee and the authorities competent for collection or control of collection of this fee.

5. In the ordinance referred to in Paragraph 4, the amount of fees for crossing the border applied to Polish citizens in the states whose citizens will be obliged to pay the fee, shall be taken into account. When specifying competent authorities, the organisational conditions at the border and a possibility to pay this fee before crossing the border shall be taken into account. It should be also considered whether the citizens of the states covered by the ordinance are subject to visa requirement.

Article 14.1. A foreigner stopped in the border zone directly after having crossed the border involuntarily and contrary to the provisions may be escorted to the border immediately .

2.The authority which stopped the foreigner because of illegal crossing of the border shall take his/her fingerprints, unless the foreigner has been escorted to the state border immediately.

3.The fingerprints shall be taken from the foreigner referred to in Paragraph 2 by means of dactyloscopic cards or of the device used for taking fingerprints electronically.

Article 15.1. An foreigner entering into the territory of the Republic of Poland shall be obliged to possess and present upon the competent authority's request the financial means necessary to cover the costs of his/her entry into, transit through, residence on, and departure from the territory of the Republic of Poland or the documents authorising him/her to obtain those means, as well as the authorization to enter into another state or to return to his/her country of origin, if such authorization is required.

2.The possession of financial means referred to in Paragraph 1 may be confirmed by presenting an invitation.

3.The financial means and documents referred to in Paragraph 1 need not be presented by foreigners, who:

- (1) cross the border on the basis of:
 - (a) international conventions and agreements which release a foreigner from the obligation to possess these means or which impose such obligation on Polish State agencies or public institutions,
 - (b) agreements on local border traffic or agreements specifying conditions of border crossing at check points placed on tourist trails crossing the border,
 - (c) the entry visa,
 - (d) the residence visa for the purpose of carrying out employment,
 - (e) the residence visa for the purpose of enjoying temporary protection,
 - (f) the residence visa for the purpose of taking part in asylum proceedings,
 - (g) the residence card;
- (2) cross the border for the purpose of charitable work;
- (3) take part in rescue actions.

4.The control of a travel document or a visa referred to in Article 13 (1), of documents confirming the purpose and conditions of planned stay, as well as of the financial means, documents and permits referred to in Paragraph 1, shall be carried out by the Commanding Officer of the Border Guard checkpoint when the foreigner crosses the border.

5.The Minister competent for internal affairs, acting in consultation with the Minister competent for public finances, the Minister competent for foreign affairs and the Minister competent for health, shall specify, by ordinance, the amount of financial means which should be possessed by an foreigner entering the territory of the Republic of Poland and the documents which may confirm possession of such means as well as the purpose of entry into the territory of the Republic of Poland, if the amount of financial means depends on this purpose.

6.The amount of financial means specified in the ordinance referred to in Paragraph 5 should be sufficient to cover by the foreigner the costs of his/her accommodation, food, medical treatment, transit and expulsion from the territory of the Republic of Poland, taking into account the average costs of cheap food and accommodation, the length and purpose of the foreigner's stay on territory of the Republic of Poland. The ordinance should determine the types of documents that confirm possession of the required amount of financial means.

7.Foreigners entering into the territory of the Republic of Poland for the purpose of performing specified professional activities may be released from an obligation to possess:

- (1) the travel document, provided that they possess documents confirming that their entry into the territory of the Republic of Poland is connected with the performance of those professional activities;
- (2) the financial means referred to in Paragraph 1, if foreigners do not cover themselves the costs of stay on the territory of the Republic of Poland.

8.The Council of Ministers may specify by ordinance:

- (1) the categories of foreigners who in connection with performing specified professional activities shall be released from the obligation referred to in Paragraph 7, taking into account the specificity of those activities;

- (2) the documents confirming that entry into the territory of the Republic of Poland is connected with performing the professional activities referred to in Paragraph 1, taking into account the necessity to ensure control over border traffic;
- (3) the cases in which it is presumed that due to performing professional activities an foreigner does not bear the costs of stay on the territory of the Republic of Poland, taking into account the manner of organisation of performance of those activities;

(4) the amount of financial means that the foreigner shall be obliged to possess when performing specified professional activities, if he/she bears the cost of stay on the territory of the Republic of Poland. **Article 15a** 1. Foreigners being members of crews of ships arriving to Polish seaports, crossing the border for the purpose of entry into the land and stay within the borders of a port city, possessing a valid travel document and a laissez-passer issued by the Commanding Officer of the Border Guard checkpoint, shall be released from the obligation to possess a visa.

2. The laissez-passer shall be issued, refused or withdrawn by the Commanding Officer of the Border Guard checkpoint.

3. The laissez-passer shall be issued to a foreigner referred to in Paragraph 1, upon an application submitted by shipowner, captain of the ship or an appointed agent acting in his name.

4. To the application for issue of laissez-passer shall be enclosed the list of crew members, containing the information referred to in Annex to the Convention on Facilitation of International Maritime Traffic, done in London on 9 April 1965. (Dz. U. of 1969 No 30, item 236, of 1972 No 27, item 199 and of 2003 No 131, item 1200).

5. The following data shall be entered on the laissez-passer:

- 1) given name (names) and surname of the ship crew member;
- 2) name and number of a travel document possessed by the ship crew member;
- 3) name of the ship;
- 4) name of the port (shipyard, harbour);
- 5) date of issue of the laissez-passer and its validity period;
- 6) a stamp of the controller and the signature of a person issuing the laissez-passer;
- 7) information that laissez-passer shall be valid only with the travel document and entails its holder to stay in the port city.

6. The laissez-passer shall be issued for the period when the ship stops in the port indicated in the application for issue of laissez-passer, not exceeding 15 days.

7. In the case of unforeseen prolongation of the period when the ship stops in the port, a Commanding Officer of the Border Guard checkpoint may, at the request of the shipowner, the ship captain or an appointed agent acting in his name, prolong the validity of laissez-passer for a period indicated in the application for prolongation of laissez-passer, not exceeding subsequent 15 days.

8. An foreigner referred to in Paragraph 1 shall be refused the issue of laissez-passer if any of the circumstances referred to in Article 21 (1) (2) (4-6) have arisen.

9. The laissez-passer issued to an foreigner shall be withdrawn if the foreigner has been stopped outside the borders of a port city or after the expiry of the period of time for which the laissez-passer was granted, or if any of the circumstances referred to in Article 21 (1) (4-6) have arisen.

10. Refusal to issue a laissez-passer and its withdrawal shall be subject to the provisions of Article 23, respectively.

11. Issue and withdrawal of laissez-passer shall be entered in the records kept by the Commanding Officer of the Border Guard checkpoint.

12. The Minister competent for internal affairs shall specify, by ordinance, the specimen application form for issue or prolongation of laissez-passer and the specimen laissez-passer, taking into account the data referred to in Paragraph 5.

Article 16. 1. The invitation, referred to in Article 15 (2) may be issued by:

- 1) a Polish citizen residing within the territory of the Republic of Poland, as well as a citizen of the European Union Member Country, the European Free Trade Association (EFTA) Member Country – a party to the European Economic Area agreement or Swiss Confederacy, as well as a family member of such person residing within the territory of the Republic of Poland and having the right of residence or the right of permanent residence within the territory of the Republic of Poland.

- 2) an foreigner residing legally and continuously within the territory of the Republic of Poland for at least 5 years immediately prior to the issue of the invitation or possessing a permit to settle or a long-term resident's EC residence permit;
- 3) a legal person or an organisational unit not having the status of legal entity, with its seat within the territory of the Republic of Poland,
- hereinafter referred to as "the host".

1a. In order to determine that the foreigner, referred to in Article 1 (2), has resided continuously within the territory of Republic of Poland, the provisions of Article 64 (1) shall be applied. 4.

2. The invitation shall contain:

- 1) data of the host:
 - a) given name (names), surname, date and place of birth, citizenship, address, occupation, type, series and number of an identity document or
 - b) business name or name, REGON number and the seat of a legal person or an organisational unit not having the status of legal entity;
- 2) given name (names), surname, date and place of birth, sex, citizenship, address of the invited foreigner, his/her travel document type, series and number, as well as the degree of his/her relationship with the host;
- 3) if spouse and children of the foreigner are invited, their first name (names), surname, date of birth and sex;
- 4) an obligation on the part of the host to cover all costs connected with the stay and departure of the foreigner invited, including the costs of possible medical treatment or expulsion from the territory of the Republic of Poland;
- 5) the length of time that the foreigner is invited for by the host;
- 6) the name of authority which entered the invitation into the invitations records;
- 7) the date and number of entering the invitation into the invitations records;
- 8) the host signature.

Article 17. 1. The invitation shall become effective upon being entered, on the host's request, into invitations records and shall remain valid for one year.

2. At the request of the authority which received the application to enter the invitation into invitations records, the host shall provide documents confirming that he/she is able to meet the obligation to cover the costs related to the stay of the foreigner invited, in particular documents confirming that the host possesses the sources of income or own financial means, the amount of , as well as documents confirming the legal title to the a dwelling which he/she occupies or the possibility to provide accommodation to the foreigner invited.

3. The decision on refusal to enter the invitation in the invitations records or to invalidate such entry shall be issued, if:

- 1) the person invited is an foreigner to whom any of the circumstances referred to in Article 42 (2) (4) and (7) apply;
- 2) the material status of the host, and in the case when the host is a natural person, his/her accommodation conditions indicate that he/she will not have the possibility to fulfil the obligations assumed under the invitation;
- 3) the host did not fulfil the obligation resulting from the invitation issued in the past.

3a. The decision to invalidate the entry in the invitations records may also be issued at the host request submitted at least 7 days before the beginning of the period for which a foreigner has been invited.

4. Invalidation of entry of invitation in the invitations records shall result in invalidity of the invitation.

Article 18. The Voivode competent for the place of residence or the seat of the host shall enter an invitation to the register of invitations or shall render the decisions on refusal of such an entry and the decisions on invalidation of the invitation.

Article 19. If the host did not fulfil the obligation resulting from the issued invitation, the State Treasury or other entities may claim before the court for compensation of incurred costs related to the stay of the foreigner and his/her departure from the territory of the Republic of Poland, which should be born by the host and which arise from meeting by those entities the obligations specified by law.

Article 20. 1. The Minister competent for internal affairs shall specify, by way of ordinance, the specimen of:

- 1) the invitation,
 - 2) the form of application to enter an invitation into the invitations records,
- taking into account the data referred to in Article 16 (2).

2. The specimen application form, referred to in Paragraph 1 (2) should also provide the spaces for the following data: earlier surnames of the foreigner invited and the purpose of his/her entry, as well as data concerning material status and accommodation conditions of the host.

3. In the case of change of the specimen invitation, the ordinance referred to in Paragraph 1 may specify the expiry date of the invitations issued using former specimen, as well as the time limit up to which the former specimen invitations may be used.

Article 21. 1. A foreigner shall be refused entry into the territory of the Republic of Poland, if:

- 1) he/she does not possess the travel document or visa, referred to in Article 13 (1); or did not pay the fee, that he/she was obliged to pay according to Article 13 (2);
 - 2) his/her data have been recorded in the list of foreigners whose residence on the territory of the Republic of Poland is undesirable;
 - 3) he/she does not possess the financial resources or the authorisation, referred to in Article 15 (1);
 - 4) has not submitted sufficient documentation confirming the intended aim and circumstances of the entry;
 - 5) there is a well-founded reason to suspect that his/her entry into or residence on the territory of the Republic of Poland may constitute a threat to public health;
 - 6) his/her entry or residence may constitute a threat to state security and defence as well as to public security and order, or it would be in breach of the interests of the Republic of Poland.
 - 7) (repealed)
2. The foreigner who has been granted a visa on the grounds of Article 33 must not be refused entry.

Article 22. (repealed)

Article 23. Decisions on refusal of entry into the territory of the Republic of Poland shall be rendered by the Commanding Officer of the Border Guard checkpoint.

2. The decision of the Commanding Officer of the Border Guard checkpoint may be appealed against to the Commandant in Chief of the Border Guard.

3. Decisions referred to in Paragraph 1 shall be given order of immediate enforceability.

4. The Commanding Officer of the Border Guard checkpoint shall record in the travel document of a foreigner the fact that the decision referred to in Paragraph 1 has been rendered.

5. The Minister competent for internal affairs shall specify, by way of ordinance, the manner of recording in the travel document of a foreigner the fact that the decision on refusal of entry into the territory of the Republic of Poland has been rendered. The manner of recording should make it possible to determine, while controlling foreigner's travel document, whether and when such decision has been rendered.

Article 24. 1. The proceeding conducted by the Border Guards authorities prior to rendering of the decisions referred to in Article 23 (1) shall be limited to:

- 1) interviewing the foreigner;
- 2) controlling the documents possessed by the foreigner;
- 3) interviewing persons indicated by the foreigner and accompanying him/her;
- 4) exercising other control activities provided for in the Act of 12 October 1990 on the Border Guard (Dz. U. of 2005 No 234, item 1997 and Dz. U. of 2006 No 104, item 708 and 711, and No 170, item 1218).

2. The activities undertaken in the proceedings referred to in Paragraph 1 may be limited only to control of documents possessed by the foreigner, if it is justified by organisational and technical conditions of these activities.

Article 24a. 1. The Commanding Officer of the Border Guard checkpoint is the competent authority to make decisions on refusal of entry, in accordance with Article 13 (2) of the Regulation (EC) No 562/2006

of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, of 13.4.2006).

2.The decision referred to in Paragraph 1 may be appealed against to the Commandant in Chief of the Border Guard.

Article 24b. In the case and in the scope regulated by the provisions of the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105 of 13.4.2006) the Articles 13, 14, Article 15 (1-4) and (7-8) and Articles 16-21 and 23-24 shall not apply.

Chapter 3

Visas

Article 25. 1. The visa shall specify

- 1) the number of a travel document of a foreigner;
- 2) the place and date of its issue;
- 3) the purpose of entry and residence;
- 4) the period of its validity during which the first entry into the territory of the Republic of Poland and the last departure therefrom should occur;
- 5) the period of residence of the foreigner on the territory of the Republic of Poland during the visa validity;
- 6) number of entries into the territory of the Republic of Poland allowed within the period of residence.

2.A visa may entitle to a single, double or multiple entry.

3.The period of visa validity should begin no later than within 3 months from the date of its issuance.

4.The visa may also contain other information and specify other conditions of entry, in particular:

- 1) given name and surname of the foreigner as well as his/her photograph;
- 2) the place where the state border should be crossed,
- 3) the number of children and other persons accompanying the foreigner, who have been recorded in the travel document of that foreigner.

5.The visa may also contain the coded record of data and information referred to in Paragraphs 1 and 4.

Article 26. With regard to the purpose of entry and residence, the following types of visa shall be issued:

- 1) the airport visa;
- 2) the transit visa;
- 3) the entry visa for the purpose of repatriation;
- 4) the residence visa for the purpose of:
 - a) tourism,
 - b) visit,
 - c) participation in sport events,
 - d) carrying out the economic activity,
 - e) carrying out cultural activity or participation in international conferences,
 - f) performing statutory functions by representatives of a foreign state authority or an international organisation,
 - g) taking part in asylum procedure,
 - h) carrying out work,
 - i) education, training or didactic,
 - j) enjoying temporary protection,
 - k) arrival for the reasons specified in Article 33 (1),
 - l) the residence of a minor, referred to in Article 34,
 - m) referred to in Article 44 (3), Article (61) (3) or Article 71a (3),

- n) relocation as a closest member of a repatriate's family,
 - o) obtaining by an foreigner the residence permit for a fixed period or the permit to settle or a residence permit for a long-term EC resident,
 - p) joining the European Union Member Country citizen, European Free Trade Association Member Country – party to the European Economic Area agreement citizen, Swiss Confederation citizen or spending time with such person,
 - r) participation in cultural or educational exchange or humanitarian aid programme, or student holiday work programme,
 - s) other than specified in (a-r);
- 5) the diplomatic visa;
 - 6) the service visa;
 - 7) the courier visa;
 - 8) the transit diplomatic visa.

Article 27. 1. The airport visa shall entitle to entry into and stay in the transit zone of an international airport and may be issued to an foreigner who demonstrates that stay in the transit zone of an international airport is necessary to complete planned travel by air.

2. The visa referred to in Paragraph 1 shall be issued for the period of residence not exceeding 2 days.

3. The Minister competent for foreign affairs, acting in consultation with the Minister competent for internal affairs, shall specify, by way of ordinance, the list of states whose citizens must be in possession of the airport visa, taking into account the provisions binding in the European Union.

Article 28. 1. *The transit visa shall authorise an foreigner to transit through the territory of the Republic of Poland or other Schengen states and may be issued to a foreigner who is authorised to enter the country of destination or the country adjacent to the territory of the Republic of Poland.*

2. *2. Visa referred to in Paragraph 1 shall be issued for the period of residence not exceeding 5 days, starting from the date of each entry into the territory of the Schengen states.*

Article 29. 1. The entry visa for the purpose of repatriation entitles an foreigner to a single entry into the territory of the Republic of Poland.

2. The period of validity of the entry visa for the purpose of repatriation, within which the foreigner should enter the territory of the Republic of Poland, shall be one year.

Article 30. (repealed)

Article 31. 1. *The residence visa shall be issued as a uniform or a national visa.*

2. *The uniform residence visa shall authorise to entry into and continuous residence on the territory of the Schengen states or to multiple consecutive periods of residence, not exceeding jointly 3 months within the period of 6 month, counting from the date of the first entry.*

3. *The national residence visa shall authorise to entry into and continuous residence on the territory of the Republic of Poland or to multiple consecutive periods of residence, not exceeding jointly one year within the period of visa validity.*

4. *The national residence visa may be issued for the purpose of entry and residence, referred to in Article 26 (4) (b) and (d)-(j) and (r), if the circumstances justify the residence of a foreigner for a period exceeding 3 months.*

5. *The period of residence on the basis of the national residence visa shall be fixed within the limits referred to in Paragraphs 3 and 4, with regard to the purpose indicated by a foreigner.*

6. *The period of validity of the residence visa may not exceed 5 years.*

Article 32. 1. *The national residence visa for the purpose of carrying out work may be issued to a foreigner who presents a promise that work permit on the territory of the Republic of Poland shall be issued or an employer's written declaration confirming the intention to employ a foreigner if the work permit is not required.*

2. A visa referred to in Paragraph 1 shall be issued for the period of residence not exceeding one year, corresponding to the period indicated in the promise or the employer's written declaration.

3. If a foreigner intends to carry out, within the fixed period of time, seasonal work on the territory of the Republic of Poland, the visa referred to in Paragraph 1 shall be issued for the period indicated in the promise to issue the work permit, not exceeding 6 months within the 12 month period, counting from the date of the first entry.

Article 33. 1. The national residence visa may be issued to an foreigner, despite the circumstances referred to in Article 42, if:

- 1) provisions of the Polish law require that an foreigner should appear in person before an agency of the Polish public authority;
- 2) his/her entry into the territory of the Republic of Poland is indispensable because of the necessity to undergo medical treatment to rescue directly his/her life, which he/she cannot undergo in other country;
- 3) an exceptional personal situation that requires the presence of an foreigner on the territory of the Republic of Poland has occurred;
- 4) it is required by the interest of the Republic of Poland;
- 5) there is well-founded reason to suspect that an foreigner is a victim of trafficking in human beings within the meaning of Council Framework Decision of 19 July 2002 on combating trafficking in human beings (OJ EC L 203 of 1.08.2002), and it has been confirmed by an authority competent for conduct procedure on combating trafficking in human beings.

2. The visa referred to in Paragraph 1 (1-3) shall be issued for the period of residence necessary to implement the purpose of its issue. In any case, such visa may not be issued for the period exceeding 3 months.

3. The visa referred to in Paragraph 1 (5) shall be granted for a period of residence necessary for an foreigner to make a decision whether to cooperate with an authority competent for conduct procedure on combating trafficking in human beings, however not exceeding 2 months.

Article 34. 1. The national residence visa shall be issued to a minor foreigner born on the territory of the Republic of Poland, at the request of his/her legal representative, who resides on the territory of the Republic of Poland on the basis of a visa.

2. If the minor referred to in Paragraph 1 has been recorded in the travel document of his/her legal representative, the visa issued formerly to the legal representative shall be cancelled and replaced by a new visa issued for both the legal representative and the minor.

3. The periods of residence and validity of a visa issued to a minor shall expire at the same term as periods of residence and validity of a visa issued to a legal representative. In the case referred to in Paragraph 2 the periods of residence and validity of a visa shall expire at the term indicated in the cancelled visa.

Article 35. 1. The diplomatic, service and courier visa shall authorise to entry into the territory of the Republic of Poland within the period of 6 months from its issue, as well as to residence and departure within the period indicated in the visa.

2. The diplomatic, service and courier visa shall be issued as a national visa.

Article 36. The diplomatic visa shall be issued to the head of the diplomatic mission and the member of the diplomatic staff as well as to the head of the consular post and member of the consular staff of foreign states or to the other person treated equally under applicable laws, treaties or generally recognised international customs. The provisions of this article shall also apply to family members of all persons mentioned above.

Article 37. The service visa shall be issued to the member of administrative and technical staff of the diplomatic mission, the member of service staff of the diplomatic mission and the consular employee, member of the service staff of the consular post as well as to any other person delegated to work or coming on duty to the Republic of Poland and treated equally under applicable laws, treaties or generally recognised international practices. The provisions of this Article shall also apply to family members of all persons mentioned above.

Article 38. The diplomatic and service visas shall be issued for the period of residence not exceeding 3 months, unless an international agreement or generally recognised international custom provide otherwise.

Article 39. The diplomatic and service visa shall be issued to an foreigner entitled to obtain the documents referred to in Article 3 Subparagraph 1, for the period of holding his/her office.

Article 40. 1. The courier visa shall be issued to the diplomatic or consular courier.

2. The visa referred to in Paragraph 1 shall be issued for the period of residence not exceeding 10 days, unless a treaty or generally recognised international customs provide otherwise.

Article 41. 1. The transit diplomatic visa for the purpose of transit through the territory of the Republic of Poland, shall be issued to the foreigner referred to in Articles 36, 37 and 40 (1), who holds the right to enter the country of destination or the country adjacent to the territory of the Republic of Poland.

2. The visa referred to in Paragraph 1 shall be issued for the period of residence not exceeding 5 days, counting from the date of each entry into the territory of the Republic of Poland.

Article 42. A foreigner shall be refused the issue of a national visa, if:

- 1) the premises of issue of certain type of visa have not been met;
- 2) his/her data is recorded in the list of foreigners whose residence in the territory of the Republic of Poland is undesirable;
- 3) he/she does not possess financial means necessary to cover costs of residence on the territory of the Republic of Poland;
- 3a) he/she does not have health insurance within the meaning of provisions on health care benefits financed by public funds or documents confirming that the costs of medical treatment in the territory of the Republic of Poland shall be covered by an insurer; such insurance or documents must be valid for the period of planned stay of an foreigner in this territory;
- 4) issue of a visa may constitute a threat to the state security and defence as well as to public security and order, or if it would be in breach of the interests of the Republic of Poland;
- 5) period of validity of a travel document of an foreigner does not exceed 3 months from the date on which such foreigner must depart from the territory of the Republic of Poland on the basis of that visa;
- 6) (repealed)
- 7) during the visa proceedings:
 - a) he/she has submitted an application or documents which contain untruthful personal data or false information,
 - b) he/she has testified untruthfully or has concealed the truth or has falsified or counterfeited a document for the purpose of using it as authentic or has used such document as authentic.

Article 42a. *The foreigner shall be refused the issue of the uniform residence visa, if his/her data have been recorded in the register of foreigners whose residence on the territory of the Republic of Poland is undesirable, or when the foreigner fails to meet the conditions of entry referred to in Article 5 (1) (a), (c), (d) and (e) of the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ EU L 105, 13.04.2006, p. 1).*

Article 43. 1. An foreigner residing on the territory of the Republic of Poland may be prolonged the residence visa, if the following conditions have been fulfilled jointly:

- 1) it is justified by his/her important interest of personal or professional nature or by humanitarian reasons;

- 2) reasons on the basis of which he/she applies for visa prolongation visa have occurred imperatively and could not be foreseen at the date when the visa was issued;
- 3) circumstances of the case do not demonstrate that the purpose of his/her residence on the territory of the Republic of Poland shall be other than the one declared;
- 4) the circumstances referred to in Article 42 Subparagraphs 2-7 do not arise.

2. The period of residence on the territory of the Republic of Poland on the basis of a prolonged visa may not exceed the period of residence foreseen for this type of the residence visa.

3. A visa issued to an foreigner hospitalised who cannot depart or be transported to another country because of his/her state of health shall be prolonged up to the date when he/she is able to leave from the territory of the Republic of Poland.

4. An authority competent for prolongation of a visa may apply to a medical expert to present an opinion in the case referred to in Paragraph 3.

5. A visa may be prolonged by a Voivode competent for the foreigner's place of residence, by means of affixing a visa sticker in the travel document of that foreigner. A visa may be prolonged only once, except for the case referred to in Paragraph 3.

6. Prolongation or refusal of prolongation of a visa shall be effected by decision.

Article 44. 1. A foreigner shall be obliged to submit an application for prolongation of a visa at least 7 days prior to the expiry of the period of residence indicated in a uniform visa possessed by him / her or at least 14 days prior to the expiry of the period of residence indicated in a national visa possessed by him / her.

2. If an application for prolongation of a visa has been submitted within time limits specified in Paragraph 1. a Voivode shall render a decision on prolongation of a visa prior to the expiry of the term of residence indicated in the visa.

3. In the case when the prolongation of visa with respect to conditions referred to in Paragraph 2 is not possible, a Voivode shall issue a new visa to the foreigner. The new visa may not expire prior to the completion of the first instance proceedings.

3a. The provision of Paragraph 3 shall not apply in the case of the proceedings concerning the visa extension being suspended at the request of the party.

4. If the term for submitting an application referred to in Paragraph 1 is not complied with, and the period of residence indicated in the visa expired before the proceedings for prolongation of a visa has been completed, an foreigner shall be obliged to depart from the territory of the Republic of Poland

Article 45. 1. An application for issue or prolongation of a visa shall include:

- 1) personal data of the foreigner and his/her children included in the application, as well as of other persons entered into the travel document of that foreigner - inasmuch as it is necessary to issue the visa;
- 2) features of the travel document of an foreigner;
- 3) information of abroad travels and stays within the last 5 years;
- 4) indication of the purpose of residence.

1a. An application for issue or prolongation of a visa shall be submitted using the application form.

2. An foreigner applying for issue or prolongation of a visa shall be obliged to justify the application. The applicant is also obliged to enclose documents confirming circumstances indicated in the application and photographs of persons referred in the application.

3. In the case referred to in Article 47 (1), the Commanding Officer of the Border Guard checkpoint may release the foreigner from the obligation to enclose his/her photograph.

Article 45a. 1. Issue of the uniform visa in the cases specified by the Council of the European Union pursuant to Article 17 (2) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders shall require obtaining the consent of the Head of the Office for Foreigners acting as the central visa authority.

2. The Head of the Office for Foreigners shall consult the possibility to consent to the issue of uniform visa:

(1) in the cases specified in Annex 5A to the Common Consular Instructions on visas for the diplomatic missions and consular posts (OJ EU C 326, 22.12.2005, p. 1), hereinafter referred to as the “Common Consular Instructions”, with:

- **the Commandant in Chief of the Border Guard Headquarters,**
- **the Commandant in Chief of the Police,**

(c) the Chief of the Internal Security Agency,

- **the Chief of the Intelligence Agency,**
- **the minister competent for foreign affairs;**

(2) in the cases specified in Annex 5B to the Common Consular Instructions with the central visa authorities of other Schengen states.

3. Should the issue of the uniform visa by the visa authority of other Schengen state require the consent of the central visa authority of the Republic of Poland, the Head of the Office for Foreigners, acting as the central visa authority, shall consult the possibility to consent with the authorities referred to in Paragraph 2 (1).

4. Authorities referred to in Paragraph 2 (1) shall, within 5 days from the day of receiving the request for consultation, submit the opinion on the consent to the issue of uniform visa. Failing to submit the opinion by the deadline set shall be considered equivalent to the issue of a positive opinion.

5. On the request of the authorities specified in Paragraph 2 (1), the deadline of submission of the opinion on consent to issue uniform visa may be extended by 5 days, and in particularly justified cases to 80 days, of which the Head of the Office for Foreigners shall notify the consul.

6. The Head of the Office for Foreigners shall notify the consul on the consent to the issue of uniform visa or the lack of consent to its issue, within 10 days from the day of receiving the request in this respect. The deadline shall be extended appropriately to the extension of the deadline of submission of the opinion on consent to issue uniform visa referred to in Paragraph 5.

7. Failing to notify the consul by Head of the Office for Foreigners on the consent to the issue of uniform visa by the deadlines referred to in Paragraph 6 shall be considered granting consent.

8. Should the lack of consent to the issue of uniform visa result from the position of the central visa authority of another Schengen state, the consul may issue a uniform visa to the foreigner, authorising entry to the territory of the Republic of Poland.

Article 45b. 1. Prior to the issue of visa, the authority competent for its issue may request from the Head of the Office for Foreigners the submission of information whether the foreigner is subject to circumstances referred to in Article 42 Subparagraphs 1-4 and 7.

2. The Head of the Office for Foreigners shall be obliged to submit information whether the foreigner is subject to circumstances referred to in Article 42 Subparagraphs 1-4 and 7 within 10 days from the day of receipt of the request in this respect.

Article 46. 1. A visa shall be issued or refused by a Consul.

2. A residence visa for the purpose of carrying out work shall be issued or refused by the Consul competent for the place of foreigner’s permanent residence.

3. The visa referred to in Article 33 shall be issued or refused by Consul or Voivode competent for the place of foreigner’s residence. The visa may be issued after obtaining the consent of the President of the Office for Repatriation and Foreigners.

4. A visa referred to in Article 34 (1) and (2) shall be issued or refused by the Voivode competent for the place of the legal representative’s residence. In the case referred to in Article 34 (2), a visa issued to a legal representative shall be cancelled by the Voivode competent for the place of the legal representative’s residence.

5. The diplomatic, service, courier and diplomatic transit visa shall be issued or refused by:

- 1) the Minister competent for foreign affairs;
- 2) the Consul;
- 3) the Commanding Officer of the Border Guard checkpoint - in particularly justified cases.

6. The diplomatic and service visa shall be issued or refused to an foreigner entitled to obtain the documents referred to in Article 3 Subparagraph 1 by the Minister competent for foreign affairs.

7. The diplomatic, service and diplomatic transit visa shall be issued on the basis of the note of the ministry of foreign affairs of the foreign state or the diplomatic mission of that state, and in the case of visa issued abroad - also on the basis of a visa application.

7a. (repealed) 7b.

(repealed)

8. With the exception of decision rendered by Voivode, a decision refusing a visa shall be final.

9. The refusal to issue a visa referred to in Article 26 Subparagraph 4 (p) shall be orally justified.

10. An authority competent for issue of the visa referred to in Article 26 Subparagraph 4 (p) may refrain from justifying the refusal to issue a visa, fully or partially, if it is required by the state security.

Article 47. 1. The residence visa may be issued by the Commanding Officer of the Border Guard checkpoint to an foreigner who demonstrates that because of exceptional and urgent circumstances, such as: humanitarian grounds, reasons of professional nature or interest of the Republic of Poland, his/her transit through, entry into or residence on the territory of the Republic of Poland is necessary for the purpose referred to in Article 26 Subparagraph 4 (b)-(f) and (i). The foreigner must also demonstrate that because of unforeseeable and imperative reasons he had not been able to obtain a visa issued by a Consul.

2. The Commanding Officer of the Border Guard checkpoint may issue a residence visa for the purpose referred to in Article 26 Subparagraph 4 (p) to an foreigner who proves that he/she has family ties to a citizen of a Member State of the European Union or a citizen of a Member State of the European Free Trade Association (EFTA) – a party to the agreement on the European Economic Area or the Swiss Confederation, residing in the territory of the Republic of Poland.

3. The visa referred to in Paragraphs 1 and 2 shall authorise to one entry into the territory of the Republic of Poland within the period of its validity, corresponding to the period of residence not exceeding 15 days.

4. Proceedings in the case for issue of a visa referred to in Paragraphs 1 and 2, may be limited to the activities referred to in Article 24.

5. The issue of the decision on refusal of a visa referred to in Paragraphs 1 and 2 shall be recorded in the travel document of an foreigner.

Article 48. 1. A national visa shall be cancelled, if:

- 1) personal data of the foreigner are recorded in the list of foreigners whose residence on the territory of the Republic of Poland is undesirable, with except for a visa issued on the basis of Article 33;
- 2) there is a fear that entry or residence of an foreigner may constitute a threat to the state security and defence as well as to the public security and order or if it would be in breach of the interests of the Republic of Poland;
- 3) validity period of the travel document of an foreigner does not exceed 3 months from the date on which the foreigner must depart from the territory of the Republic of Poland according to this visa;
- 4) an foreigner while giving testimony intended as evidence in the proceedings conducted by the agencies referred to in this Act has testified untruthfully or has concealed the truth or has falsified or counterfeited a document for the purpose of using it as authentic or has used such document as authentic.

2. A visa may be cancelled if the foreigner has not presented sample documents certifying the purpose and circumstances of the planned stay.

3. A decision on cancellation of a visa shall be rendered by the Commanding Officer of the Border Guard checkpoint, upon the foreigner's entry into the territory of the Republic of Poland.

4. Proceedings in the case of cancellation of a visa may be limited to activities referred to in Article 24.

5. The decision of the Commanding Officer of the Border Guard checkpoint referred to in Paragraph 3 may be appealed against to the Commandant in Chief of the Border Guard.

6. The issue of the decision on visa cancellation shall be recorded in the travel document of the foreigner.

7. The decision on visa cancellation shall be given order of immediate enforceability.

Article 49. 1. The issuing authority, and in the case referred to in Article 33 the authority via which the visa application is submitted, shall affix the visa in foreigner's travel document or his/her Polish identity document for an foreigner, or in a case particularly justified by the foreigner's interest - in a separate blank visa form.

2. If an foreigner residing on the territory of the Republic of Poland on the basis of a visa has replaced his/her travel document or Polish identity document for an foreigner, the Voivode competent for the foreigner's place of residence shall, on his/her request, affix a visa in a new document.

3. The authority that issued the visa to an foreigner, may - ex officio or at foreigner's request - correct lapses of a pen and apparent errors in such visa.

4. In the case where an foreigner residing on the territory of the Republic of Poland has obtained a visa issued by the Consul or the Commanding Officer of the Border Guard checkpoint, lapses of a pen and apparent errors in this visa shall be corrected by the Voivode competent for the foreigner's place of residence.

5. The authority, which has corrected lapses of a pen and apparent errors in a visa issued to an foreigner shall affix a new visa in his/her travel document or Polish identity document for an foreigner and shall cancel the visa issued formerly.

Article 50. 1. An foreigner shall be obliged to leave the territory of the Republic of Poland before the expiry of the residence permit indicated in the visa and before the expiry of the term of visa validity, unless the visa has been prolonged or he/she has obtained the residence permit for a fixed period, the permit to settle or the long-term resident's EC residence permit.

2. An foreigner residing on the territory of the Republic of Poland on the basis of an international agreement on partial or full abolition of visa requirement or on the basis of a unilateral abolition of visa requirement shall be obliged to leave this territory before the expiry of the term indicated in this agreement or in an ordinance abolishing visa requirement unless he/she has been granted the residence permit for a fixed period.

3. A foreigner residing on the territory of the Republic of Poland on the basis of an international agreement on partial or full abolition of visa requirement or on the basis of a unilateral abolition of visa requirement by the Republic of Poland shall be obliged to leave this territory after the expiry of the period of stay for which he/she has entered into the territory of the Republic of Poland, not exceeding however 3 months from the date of entry into force of the denunciation of this agreement or resumption of visa requirement.

4. If the denunciation of agreement on partial or full abolition of visa requirement or resumption of visa requirement entered into force prior to the announcement of this fact in the form prescribed by law, the period referred to in Paragraph 3 shall be counted from the day of such announcement.

Article 51. 1. The Minister competent for foreign affairs, acting in consultation with the Minister competent for internal affairs, shall specify, by ordinance:

- 1) the documents, which should be possessed by heads and members of staff of diplomatic missions, heads of consular posts and members of consular staff of foreign states or other persons treated equally under applicable laws, treaties or generally recognised international customs;
 - 2) the specimens of documents referred to in Subparagraph 1;
 - 3) the specification of visas issued to the persons referred to in Subparagraph 1,
- taking into account treaties or generally recognised international customs applicable in this scope.

2. The Minister competent for foreign affairs, acting in consultation with the Minister competent for internal affairs, may, by ordinance and on conditions of reciprocity, exempt all or some persons referred to in Article 3 Subparagraph 1 from the requirement to obtain the visa, if it is in good interest of the Republic of Poland. The ordinance shall list the countries whose representatives are exempt from this requirement.

3. The Council of Ministers may, by ordinance, exempt fully or partially citizens of one or more states from the requirement of possessing all or specified visas while entering into the territory of the Republic of Poland, if it is in good interest of the Republic of Poland. The Council of Ministers may also specify the period of residence of an foreigner and other necessary conditions of his/her residence, in particular taking into account the purpose of residence. The ordinance may condition the exemption from requirement to possess the transit visa upon foreigner's possession of entry visa or the residence visa issued by some states. If so, the ordinance should also list these states.

4. The Minister competent for foreign affairs, acting in consultation with the Minister competent for internal affairs, shall specify, by public announcement in the Official Journal of the Republic of Poland "Monitor Polski", the list of states, with which the Republic of Poland entered into agreements one full or partial abolition of visa requirement or in relation to citizens of which the visa requirement for entry into the territory of the Republic of Poland has been abolished unilaterally. The announcement shall specify: the date of entry into force an agreement or unilateral abolition, purpose of residence for which the visa requirement was abolished, the period of stay for which there is no need to obtain visa and other important elements concerning the principles of entry and residence.

Article 52 1. The Minister competent for internal affairs, acting in consultation with the Minister competent for foreign affairs, shall specify by ordinance:

1) the specification of visas, with exception of visas issued to heads and members of staff of diplomatic missions, heads of consular posts and members of consular staff of foreign states or other persons treated equally under applicable laws, treaties or generally recognised international customs, and the specimen of a national visa, taking into account its types referred to in Article 26 and the scope of data that should be included in the visa, referred to in Article 25 (1)-(4);

- 2) the specimen of a blank visa form referred to in Article 49 (1);
- 3) the specimen of application forms for issue or prolongation of a visa, in particular taking into account the data referred to in Article 12 and Article 45 (1), as well as the number of photographs as well as the requirements concerning photographs attached to applications;
- 4) the manner of recording the fact of admitting the visa application;
- 5) the manner of affixing a visa in the travel document and the manner of cancelling a visa issued to legal representative in the case referred to in Article 34 (2);
- 6) the manner in which the Commanding Officer of the Border Guard checkpoint records in the travel document the fact of rendering the decision on refusal or invalidation of a visa.

2. The fact of admission of a visa application, affixing a visa in the travel document, cancelling a visa issued to legal representative, as well as the fact of rendering the decision on refusal the issue of a visa or the decision on invalidation of a visa should be recorded in a manner which makes it possible to control the performance of those activities.

3. In the case of change of the specimen of a visa, the ordinance referred to in Paragraph 1 may specify the term of validity of visas issued on the blanks of existing specimen, as well as the time limit up to which the blanks of existing specimen may be used.

Chapter 4

Residence permit for a fixed period

Article 53. 1. The residence permits for a fixed period shall be granted to an foreigner who:

- (1) has a promise or the prolongation of a promise of a work permit or an employer's written statement about the intention to employ the foreigner, if the work permit is not required;
- (2) conducts the economic activity pursuant to regulations in force in the Republic of Poland, which is beneficial to the national economy and which, in particular, contributes to the growth of investments, transfer of technology, implementation of profitable innovations or creation of new jobs;
- (3) as a person with acknowledged artistic achievements intends to continue his/her artistic activities on the territory of the Republic of Poland;
- (4) takes part in training and internships implemented under the European Union programmes;
- (5) as a member of the family intends to reside together with a migrating employee referred to in the European Social Charter adopted in Turin on 18 October 1961 (Dz.U. of 1999, No 8, item 67);

- (6) is a spouse of a Polish citizen;
 - (7) as a member of a family of an foreigner referred to in Article 54 arrives on the territory of the Republic of Poland or resides on that territory in order to reunite with his/her family;
 - (8) is an foreigner's minor child that was born on the territory of the Republic of Poland and resides on that territory without custody;
 - (9) is a spouse or an adult child of the foreigner referred to in Article 54 and has resided on the territory of the Republic of Poland for a period of at least five years on the basis of permits to reside for a fixed period, granted because of the circumstances referred to in Subparagraph 7;
 - (10) resides on the territory of the Republic of Poland on the basis of permit to reside for a fixed period granted because of the circumstances referred to in Subparagraph 7, in case of widowhood or divorce, separation or death of his/her direct descendant or ascendant of first degree, if it is in good interest of an foreigner;
 - (11) resides on the territory of the Republic of Poland on the basis of permit to reside for a fixed period granted because of the circumstances referred to in Subparagraph 6, in case of widowhood or divorce, if it is in good interest of the foreigner;
 - (12) is a minor child, born on the territory of the Republic of Poland, of an foreigner who has a residence permit for a fixed period;
 - (13) possesses a long-term resident's EC residence permit granted by another Member State of the European Union and is going to take up employment or to carry out economic activity in conformity with the regulations in force in the Republic of Poland, to take up or continue studies or professional training, or proves that there are other circumstances that justify his/her residence on the territory of the Republic of Poland;
 - (14) is a family member the foreigner referred to in Subparagraph 13, with whom he/she has resided on the territory of other Member State of the European Union, who accompanies the foreigner or intends to join him/her;
 - (15) is a victim of trafficking in human beings within the meaning of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings and fulfils jointly the following conditions:
 - (a) resides on the territory of the Republic of Poland;
 - (b) has undertaken cooperation with an authority competent for procedures on combating trafficking in human beings;
 - (c) has terminated contacts with persons suspected of committing offences related to trafficking in human beings;
 - (16) arrives to or resides on the territory of the Republic of Poland in order to take up or continue full-time studies or doctoral studies on the territory, hereinafter referred to as the "studies"; also if he/she began to study on the territory of another European Union Member State and intends to continue or complete the studies on the territory of the Republic of Poland;
 - (17) is a scientist who arrives to or resides on the territory of the Republic of Poland in order to conduct scientific research on the basis of a contract to carry out a research project signed with a scientific institution approved by the Minister competent for science;
 - (18) possesses the residence permit referred to in Article 1 (2) (a) of the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1–7) with "scientist" annotation, issued by another European Union Member State, if the contract to carry out a research project, signed with the appropriate scientific institute of this country, provides for carrying out scientific research also on the territory of the Republic of Poland
 - if the circumstance which is the basis for his/her application for this permit justifies his/her residence on the territory of the Republic of Poland for a period exceeding 3 months.
2. A family member of the foreigner referred to in Paragraph 1 (13) and Article 54 shall be:
- (1) a person married to the foreigner, such marriage being recognised under the Polish law in force;
 - (2) a minor child of the foreigner and a person married to the foreigner, such marriage being recognised under the Polish law in force, including an adopted child;

- (3) a minor child of this foreigner, including an adopted child, dependant on the foreigner, if the foreigner exercises actual parental control over the child;
- (4) a minor child of the person referred to in Subparagraph 1, including an adopted child, if such person supports and exercises actual parental control over the child.

3. A direct ascendant shall also be regarded a family member of a minor foreigner who has been granted a refugee status and resides on the territory of the Republic of Poland without custody.

4. The foreigner referred to in Paragraph 1 (1) who carries out or intends to carry out work in the limited partnership, limited liability or stock company established by him/her; or in the company he/she joined or took over or purchased its shares, shall demonstrate that the activities of this company or partnership meet the conditions referred to in Paragraph 1 (2).

5. The foreigner referred to in Paragraph 1 (16) shall confirm his/her will to take up or continue studies on the territory of the Republic of Poland by providing a certificate of admission to studies, issued by appropriate institution and presenting a proof of payment of fees if they are required by this institution in order to take up or continue studies.

6. The provision of Paragraph 1 shall not apply to the foreigner:

- (1) who resides on the territory of the Republic of Poland on the basis of the visa referred to in Article 33, unless the foreigner applies for a residence permit for a fixed period pursuant to Paragraph 1 (15);
- (2) referred to in Article 110;
- (3) who has a permit for tolerated stay.

7. The provision of Paragraph 1 (16) – (18) shall not apply to the foreigner:

- (1) who uses the complementary or temporary protection;
- (2) who applies for a refugee status or asylum.

8. The provision of Paragraph 1 (16) shall not apply to the foreigner:

- (1) referred to in Paragraph 1 (13);
- (2) who carries out work or economic activity on his/her own behalf on the territory of the Republic of Poland.

9. The provision of Paragraph 1 (17) and (18) shall not apply to the foreigner:

- (1) who intends to conduct scientific research within the framework of doctoral studies;
- (2) transferred by a scientific institution having its seat on the territory of the European Union Member State other than the Republic of Poland to a scientific institution having its seat on the territory of the Republic of Poland.

Article 53a. The residence permit for a fixed period may be granted to an foreigner who:

- (1) intends to take up or to continue, on the territory of the Republic of Poland:
 - (a) education or
 - (b) professional training;
- (2) due to family links intends to join a Polish citizen or a citizen of a European Union Member State, a member country of the European Free Trade Association (EFTA) – a party to the agreement on the European Economic Area or the Swiss Confederation, residing on the territory of the Republic of Poland or to reside with him/her;
- (3) is a cleric, a member of an order or a person performing religious function in churches and religious associations whose status is regulated by an international agreement or provisions of acts concerning relations between the state and the church or other religious association, or which operate on the basis of entry into the register of churches and other religious associations, and his/her stay on the territory of the Republic of Poland is related to the performed function or preparation to perform such function;
- (4) demonstrates that the circumstances other than those laid down in Subparagraphs 1-3 or Article 53 (1) occur

- if the circumstance which is the basis for his/her application for this permit justifies his/her residence on the territory of the Republic of Poland for a period exceeding 3 months.

Article 53b. 1. The foreigner referred to in Article 53 (1) (1), (2), (7), (9), (13), (14), (16) – (18) and in Article 53a, shall be obliged to possess:

- (1) health insurance within the meaning of provisions on health care financed from public sources or documents confirming that the costs of medical treatment on the territory of the Republic of Poland shall be covered by the insurer; and
- (2) a stable and regular source of income which is sufficient to cover the cost of maintenance of that foreigner and of the family members supported by him/her in cases referred to in Article 53 (1) (1), (2), (7), (9), (13) and (14) and in Article 53a (1) (b) and Subparagraphs (2) and (4);
- (3) sufficient financial resources to cover the costs of maintenance and return in cases referred to in Article 53 (1) (16) – (18) and in Article 53a (1) (a).

2. The condition referred to in Paragraph 1 (2) shall be regarded as fulfilled also if the costs of foreigner's maintenance are covered by his/her family member obliged to maintain him/her and residing on the territory of the Republic of Poland.

3. The foreigner referred to in Article 53 (1) (16) shall also demonstrate that he/she has sufficient financial resources to cover the costs of the studies.

4. The provisions of Paragraph 1 (1) and (2) shall not apply to an foreigner applying for a residence permit for a fixed period on the basis of Article 53 (1) (7), who is a family member of an foreigner granted a refugee status, if the application for a residence permit for a fixed period has been submitted within 3 months from the date of obtaining the refugee status.

5. The income referred to in Paragraph 1 (2), after deduction of accommodation costs for each family member supported by the foreigner, or for the foreigner if he/she is a single person, shall be higher than the income constituting the basis for social assistance pursuant to the provisions of the Act of 12 March 2004 on social assistance (Dz.U. No 64, item 593, as amended).

6. The Minister competent for social insurance, in consultation with the Minister competent for internal affairs, the Minister competent for higher education and the Minister competent for science, shall specify, by ordinance, the minimum amounts that the foreigners referred to in Article 53 (1) (16) – (18) should have to cover the costs of maintenance on the territory of the Republic of Poland and the costs of return. The amounts laid down in the ordinance should allow for covering the maintenance costs on the territory of the Republic of Poland of an foreigner and the family members he/she supports, without the need to use social assistance pursuant to the Act of 12 March 2004 on social assistance.

Article 54. The residence permit for a fixed period referred to in Article 53 (1) (7), shall be granted to a family member of the foreigner residing on the territory of the Republic of Poland:

- (1) on the basis of a permit to settle;
- (2) on the basis of long-term resident's EC residence permit;
- (3) who has been granted a refugee status;
- (4) for at least two years, on the basis of a residence permit for a fixed period, including directly before submitting an application for residence permit for a fixed period for his/her family member on the basis of permit to reside for a fixed period granted for at least one year;
- (5) on the basis of the residence permit for a fixed period, referred to in Article 53 (1) (17) and (18).

Article 55. 1. The authority conducting the proceedings on granting the residence permit for a fixed period to the foreigner being a spouse of Polish citizen or a spouse of the foreigner residing on the territory of the Republic of Poland referred to in Article 54 shall check whether the marriage has not been concluded in order to circumvent by the foreigner the provisions on granting a residence permit for a fixed period on the territory of the Republic of Poland, if the circumstances of the case demonstrate that:

- (1) one of the spouses has accepted a material profit in return for his/her consent to conclude marriage, unless such is the established custom in the state or social group concerned;
- (2) the spouses do not fulfil legal responsibilities resulting from marriage;
- (3) the spouses do not maintain matrimonial cohabitation;

- (4) the spouses had never met before their marriage;
- (5) the spouses do not speak a language understood by both;
- (6) the spouses are inconsistent about their respective personal data and other important personal information concerning them;
- (7) the past history of one or both of the spouses contains evidence of previous marriage of convenience.

2. When performing the activities aimed to establish the circumstances referred to in Paragraph 1, Article 79 of the Code of Administrative Procedure shall not apply.

Article 56. 1. The residence permit for a fixed period shall each time be granted for the period necessary to accomplish the purpose of foreigner's residence on the territory of the Republic of Poland, not exceeding however 2 years.

2. The residence permit for a fixed period shall be granted to:

- (1) the foreigner referred to in Article 53 (1) (7) for the period until the expiry date of the permit to reside for a fixed period granted to foreigner, whom he/she intends to join or has joined for the purpose of family reunification, and if that foreigner has been granted the permit to settle, the long-term resident's EC residence permit or the refugee status in the Republic of Poland, for a period of 2 years;
- (2) the minor referred to in Article 53 (1) (12) for the period until the expiry date of the permit to reside for a fixed period granted to his/her legal guardian;
- (3) a family member of the foreigner referred to Article 53 (1) (13) for the period until the expiry date of the permit to reside for a fixed period granted to this foreigner;
- (4) to the foreigner referred to in Article 53 (1) (15), for a period of six months;
- (5) to the foreigner referred to in Article 53 (1) (16) – (18), for a year;
- (6) to the foreigner referred to in Article 53a (1), for the period of education or professional training, however, no longer than for a year.

3. If the circumstance which is the basis for the application for residence permit for a fixed period pursuant to Article 53 (1) (16) – (18) justifies the residence of the foreigner on the territory of the Republic of Poland for a period shorter than one year, the residence permit for a fixed period shall be granted in the case referred to in Article 53 (1):

- (1) in Subparagraph 16, for the period of studies;
- (2) in Subparagraph 17, for the period of research project implementation;
- (3) in Subparagraph 18, for the period of conducting scientific research on the territory of the Republic of Poland.

Article 57. 1. An foreigner shall be refused the residence permit for a fixed period, if:

- (1) he/she does not meet the conditions referred to in Articles 53-53b;
- (2) his/her data is recorded in the register of foreigners whose residence on the territory of the Republic of Poland is undesirable;

(2a) his/her data are entered in the Schengen Information System for the purposes of refusal of entry;

- (3) circumstances of the case demonstrate that the purpose of his/her entry into or residence on the territory of the Republic of Poland is or will be other than the one declared;
- (4) the basis for the application for permit is marriage concluded with a Polish citizen or the foreigner residing on the territory of the Republic of Poland referred to in Article 54, and such marriage was concluded to circumvent the provisions on granting the residence permit for a fixed period;
- (5) it is justified by reasons of state security and defence as well as public security and order, or the interests of the Republic of Poland;
- (6) during the procedure for granting the residence permit for a fixed period the foreigner:
 - (a) has submitted an application or documents which contain untruthful personal data or false information;
 - (b) has testified untruthfully or has concealed the truth, or has falsified or counterfeited a document for the purpose of using it as authentic or has used such document as authentic;
- (7) he/she has been diagnosed with an illness or infection that is subject to obligatory medical treatment according to the Act of 6 September 2001 on infectious diseases and infections (Dz.U. No 126, item

1348, as amended), or there is a suspicion of such disease or infection and the foreigner refuses to undergo medical treatment;

- (8) he/she does not meet fiscal obligations to the State Treasury;
- (9) he/she resides illegally on the territory of the Republic of Poland.

1a. An foreigner shall be refused a subsequent residence permit for a fixed period pursuant to Article 53 (1) (16) also if he/she has failed to get credit for the year of studies and has not obtained a conditional entry for another year or semester of studies.

2. The foreigner staying on the territory of the Republic of Poland on the basis of visa referred to in Article 32 (3) shall be refused a residence permit for a fixed period, if he/she applies for this permit on the grounds of circumstance referred to in Article 53 (1) (1) or (2).

3. The foreigner, who is a spouse of Polish citizen or a person who has been granted the permit to settle or the long-term resident's EC residence permit on the territory of the Republic of Poland shall not be refused a residence permit for a fixed period, if the only grounds for refusal was one of the circumstances referred to in Paragraph 1 (3) and (7) – (9).

4. The foreigner referred to in Article 53 (1) (7) and (13), as well as a family member of the foreigner referred to in Article 53 (1) (13), shall not be refused a subsequent residence permit for a fixed period, if the only grounds for refusal was one of the circumstances referred to in Paragraph 1 (7).

5. The foreigner referred to in Article 53 (1) (15) shall not be refused a residence permit for a fixed period, if the only grounds for refusal was one of the circumstances referred to in Paragraph 1 (7) or (9).

5a. In the case referred to in Paragraph 1 (2a), a residence permit may be granted for a fixed period only for serious reasons, particularly for humanitarian reasons or due to international obligations, taking into account the interest of the state making the entry into the Schengen Information System.

6. An foreigner staying on the territory of the Republic of Poland, whose residence is undesirable, may be obliged to leave this territory by decision on refusal of residence permit for a fixed period, indicating also the deadline for leaving this territory.

7. The provisions regulating proceedings on obligation to leave the territory of the Republic of Poland shall apply respectively to decision on refusal of residence permit for a fixed period obliging the foreigner to leave the territory of the Republic of Poland.

Article 58. (1) The residence permit for a fixed period granted to an foreigner shall be withdrawn, if:

- (1) the reason for which the permit was issued has ceased to exist;
- (2) any of the circumstances referred to in Article 57 (1) (2-9) has emerged;
- (3) the foreigner has used it for other purpose than the one for which it was granted;
- (4) the foreigner has definitively left the territory of the Republic of Poland.

(2) For the purpose of withdrawing the residence permit for a fixed period, Article 57 (3-5) shall be applied respectively.

(3) (repealed)

(4) An foreigner staying in the territory of the Republic of Poland, whose stay is undesirable, may be obliged – by decision on withdrawal of the residence permit for a fixed period - to leave the territory within the period specified in the decision.

(5) To decision on withdrawal of the residence permit for a fixed period, which obliges the foreigner to leave the territory of the Republic of Poland, the provisions on proceedings concerning the obligation to leave the territory of the Republic of Poland shall apply respectively.

Article 59. An foreigner shall be obliged to leave the territory of the Republic of Poland before the expiry of residence permit for a fixed period validity, unless he/she has been granted a subsequent residence permit for a fixed period, a permit to settle or a long-term resident's EC residence permit.

Article 60. (1) The residence permit for a fixed period shall be granted at foreigner's request.

(2) The residence permit for a fixed period referred to in Article 53 (1) (57) shall be granted at request of the foreigner residing in the territory of the Republic of Poland, referred to in Article 54. In order to grant such permit to the child referred to in Article 53 (2) (3) and (4), it is necessary to obtain consent of a person who exercises parental control over him/her.

(3) The application for a residence permit for a fixed period referred to in paragraph (1) may include the foreigner's children or other persons in his/her custody.

(4) The application for a residence permit for a fixed period shall include:

- (1) personal data of the foreigner and his/her children included in the application, as well as of other persons entered into the foreigner's travel document, inasmuch as it is necessary to issue the permit;
- (2) intended place of residence in the territory of the Republic of Poland;
- (3) given name, surname, date of birth, sex, citizenship and address of the foreigner's family members residing in the Republic of Poland, with the indication of the degree of relationship with the foreigner;
- (4) information on:
 - a) abroad travels and stays in the last 5 years,
 - b) previous stays in the Republic of Poland;
- (5) indication of the means of maintenance.

4a. The application for a residence permit for a fixed period shall be submitted using the application form.

(5) The foreigner shall be obliged to justify the application, submit a valid travel document and enclose the following with the application:

- (1) photographs of persons included in the application;
- (2) documents necessary to prove the data provided in the application and the circumstances justifying the application for residence permit for a fixed period.

(5a) The following documents shall also be enclosed with the application:

- (1) in the case of the foreigner referred to in Article 53 (1) (1), (2), (7), (9), (13) and (14) and in Article 53a Subparagraphs 1, 2 and 4, the legal title to a dwelling where the foreigner resides or intends to reside, as well as documents confirming the costs of accommodation;
- (2) in the case of the foreigner referred to in Article 53 (1) (17), the contract of admission for implementing a research project, concluded with a scientific institution having its seat in the territory of the Republic of Poland, and a written commitment of that scientific institution to bear, within six months from the contract expiry date, the costs of foreigner's stay and expulsion covered from public funds, if the grounds for foreigner's expulsion are the circumstances specified in Article 88 (1) (1);
- (3) in the case of the foreigner referred to in Article 53 (1) (18), a contract of admission for implementing a research project, concluded with a scientific institution having its seat in the territory of an European Union Member State other than the Republic of Poland, and a written commitment of that scientific institution to bear, within six months from the contract expiry date, the costs of foreigner's stay and expulsion covered from public funds, if the grounds for foreigner's expulsion are the circumstances specified in Article 88 (1) (1).

(5b) A contract of lending for use shall not be regarded as the legal title to a dwelling where the foreigner resides or intends to reside, unless the lender is foreigner's descendant, ascendant, spouse or spouse's parent, or foreigner's sibling.

(6) In a particularly justified case, where an foreigner does not possess a valid travel document and has no possibility to obtain one, he/she may provide another document confirming his/her identity.

Article 60a. 1. A scientific institution having its seat in the territory of the Republic of Poland may conclude with a scientist a contract of admission to implement a research project such institution has been approved for this purpose by the Minister competent for science on the basis of approval granted for 5 years. In particularly justified cases, such approval for a scientific institution may be granted for a period shorter than 5 years.

(2) The approval shall be granted on the application of the scientific institution.

(3) The application referred to in Paragraph 2 shall contain:

- (1) name and address of the scientific institution;
- (2) written commitment of that scientific institution to reimburse, within six months from the contract expiry date, the costs of foreigner's stay and expulsion covered from public funds, if the grounds for foreigner's expulsion are the circumstances specified in Article 88 (1) (1).

(4)The scientific institution shall enclose with the application a proof, such as, in particular, a report on previous financial year's activities containing information that the scientific research carries out scientific research .

(5)The universities and scientific entities referred to in Article 2 Subparagraph 9 (b)-(f) of the Act of 8 October 2004 on the Principles of Financing Science, as well as the research and development centres referred to in the Act of 29 July 2005 on certain forms of support for innovative operations shall be exempt from the obligation referred to in Paragraph 4.

(6)In the case of renewal of the approval for a scientific institution, the provisions of Paragraphs 1-5 shall apply.

(7)An up-to-date list of approved scientific institutions shall be published in the Journal of Laws of the Minister competent for science.

Article 60b. (1) The Minister competent for science may refuse to renew or may withdraw the approval for a scientific institution if:

- (1) it has ceased to carry out scientific research;
- (2) it does not fulfil the obligations referred to in Article 60 (d);
- (3) the approval has been obtained in result of attestation of untruth;
- (4) the contract of admission to implement a research project has been concluded in result of attestation of untruth.

(2)Valid refusals to renew or withdrawals of the approval for a scientific institution shall be published in the Journal of Laws of the Minister competent for science.

(3)A scientific institution which has been refused to have the approval renewed or whose approval has been withdrawn due to the circumstances referred to in Paragraph 1 (2) and (3) may not reapply for approval before 5 years pass from the date of coming into force of the withdrawal of the approval or refusal to renew it.

Article 60c. (1) The contract of admission to implement a research project, concluded by a scientific institution and a scientist as a contract of employment, a task-specific contract or a contract of mandate wherein the scientist makes commitment to participate in research project implementation and the scientific institution makes commitment to provide the scientist with conditions allowing him/her to such commitment, specifies in particular the scientist's pay and working conditions.

(2)The scientific institution may conclude a contract of admission to implement a research project, if the following conditions are fulfilled jointly:

- (1) research project has been accepted by competent authorities of the scientific institution after having checked:
 - (a) what the aim and duration of the scientific research is and whether there are adequate financial resources to carry it out,
 - (b) documents confirming the scientist's qualifications significant for the purpose of the scientific research;
- (2) during his/her stay in the territory of the Republic of Poland, the scientist shall have:
 - (a) sufficient financial means to cover the costs of residence and return,
 - (b) health insurance within the meaning of provisions on health care financed from public sources or documents confirming that the costs of medical treatment on the territory of the Republic of Poland shall be covered by the insurer;

3.The contract of admission to implement a research project shall expire on the day when the decision referred to in Article 60b (1) becomes final and in the case of refusal of entry or refusal to grant the residence permit for a fixed period.

Article 60d. The scientific institution shall be obliged to:

- (1) grant the scientist a written commitment to bear, within six months from the contract of admission to implement a research project expiry date, the costs of foreigner's stay and expulsion covered from public funds, if the grounds for foreigner's expulsion are the circumstances specified in Article 88 (1) (1);
- (2) immediately inform the Voivode who granted the foreigner the residence permit for a fixed period or before whom proceedings concerning the granting of such permit are in progress, about any events that could hinder the performance of the contract of admission to implement a research project;
- (3) provide the Minister competent for science with written confirmation of carrying out of all the scientific research under the research project referred to in the contract of admission to implement a research project, within 2 months from the expiry of the contract.

Article 61. (1) An foreigner residing in the territory of the Republic of Poland shall submit an application for a residence permit for a fixed period at least 45 days prior to the expiry of the period of residence specified in his/her visa or the period of validity of the previous residence permit for a fixed period.

(1a)An application submitted by an foreigner:

- (1) who resides on the territory of the Republic of Poland on the basis of the visa referred to in Article 33, unless the foreigner applies for the residence permit for a fixed period pursuant to Article 53 (1) (15),
 - (2) referred to in Article 110,
 - (3) who has a permit for tolerated stay
- shall be left unprocessed.

(2)(repealed)

(3) If the application was submitted within the time limits referred to in Paragraph (1), the Voivode grants the foreigner visas for the period of residence until the final decision is issued.

(3a) The provisions of Paragraph (3) shall not apply in the case of the proceedings concerning the granting of the residence permit for a fixed period being suspended at the party's request.

(4)If the deadline for submitting the application referred to in Paragraph 1 is not met, the foreigner shall be obliged to leave the territory of the Republic of Poland prior to expiry of the period of residence indicated in his/her visa or in the residence permit for a fixed period if the proceedings concerning the granting of the residence permit for a fixed period was not terminated prior to the expiry of that period of residence.

Article 62. (1) The decision on the granting of the residence permit for a fixed period shall be rendered by the Voivode competent for the place of foreigner's intended residence.

(2)An foreigner residing abroad shall submit the application for a residence permit for a fixed period through the Consul. The Consul shall enclose with the application the information whether the entry and residence of the foreigner in the territory of the Republic of Poland constitute a threat to state security and defence as well as public security and order.

(3)Prior to rendering the decision on granting the residence permit for a fixed period, the Voivode competent for the place of foreigner's intended residence shall be obliged to request the Commandant in Chief of the Border Guard division, the Commanding Officer of the Voivodeship Police Headquarters, the Chief of the Internal Security Agency and - if necessary – the Consul competent for the place of foreigner's last residence abroad, or other authorities, for the information whether the entry and residence of an foreigner in the territory of the Republic of Poland constitute a threat to state security and defence as well as to public security and order.

(4)In cases other than granting the residence permit for a fixed period, the Voivode competent for the place of foreigner's intended residence shall inform the Chief of the Internal Security Agency about the submission of the application residence permit for a fixed period, as well as about the application settlement.

(5)The authorities referred to in Paragraph 3, within the time limit of 30 days from receiving the application, shall provide the information on whether the entry and residence of the foreigner in the territory of the Republic of Poland constitute a threat to state security and defence as well as to public security and order.

(6) If the authorities referred to in Paragraph 3 do not provide the information within the time limit of 30 days, it shall be presumed that the requirement to obtain information has been met.

(7) In particularly justified cases, the time limit referred to in Paragraph 5 may be extended up to 3 months. This fact shall be notified to the Voivode by the authority obliged to provide the information.

(7a) In the case concerning an foreigner who is going to continue or complement his/her studies taken up in the territory of another EU Member State, the Voivode may request the competent authority of that Member State to provide information about the foreigner's residence in that territory.

7b. In the case referred to in Article 57 (1) (2a), under circumstances referred to in Article 57 (5a), the Voivode shall seek consultation referred to in Article 25 (1) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, via the Commandant in Chief of the Police.

(8) The decision on the withdrawal of the residence permit for a fixed period shall be rendered by the Voivode competent for the foreigner's place of residence or – if the foreigner has definitively left the territory of the Republic of Poland - by the Voivode who issued such permit.

8a. The Voivode shall determine whether there are reasons to withdraw the residence permit for a fixed period if the Schengen state seeks opinion pursuant to Article 25 (2) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

(9) The Voivode shall inform:

- (1) the President of the Office for Repatriation and Foreigners about:
 - (a) granting the residence permit for a fixed period to the foreigner referred to in Article 53, (1) (13),
 - (b) refusal to grant a subsequent residence permit for a fixed period to the foreigner referred to in Article 53 (1) (13) or his/her family member,
 - (c) withdrawal of the residence permit for a fixed period granted to the foreigner referred to in Article 53 (1) (13) or his/her family member,
- (2) the Commandant in Chief of the Border Guard and the Commanding Officer of the Voivodeship Police headquarters about withdrawal of the residence permit for a fixed period.

(3) the competent authority of the Schengen state, via the Commandant in Chief of the Police, on:

(a) granting residence permit for a fixed period in the case referred to in Article 25 (1) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders,

(a) lack of reasons to withdraw the residence permit for a fixed period in the case referred to in Article 25 (2) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

Article 62a. When granting the residence permit for a fixed period pursuant to Article 53 (1) (16), the date of commencement of the studies provided for by the syllabus shall be taken into account.

Article 63. (1) The Minister competent for internal affairs shall specify, by ordinance, the specimen application form residence permit for a fixed period, the number of photographs enclosed with the application and the requirements related to them. The provisions of the ordinance shall take into account the foreigner's data referred to in Article 12, inasmuch as it is necessary to grant the residence permit for a fixed period, as well as the data referred to in Article 60 (4).

(2) The Minister competent for higher education acting in consultation with the Minister competent for internal affairs shall specify, by ordinance, the specimen certificate of admission to studies issued by the institution appropriate for the studies. The certificate shall include, in particular: given name and surname of the foreigner, date and place of his/her birth, citizenship, name and address of the institution appropriate for the studies, date of commencement of the course and length of the course for which the foreigner has been admitted.

(3)The certificate referred to in Paragraph 2 should specify the types and subjects of the studies or vocational specialities.

Chapter 5

Permit to settle and long-term resident's EC resident permit

Article 64. (1) The permit to settle shall be granted to an foreigner, who:

- (1) is a minor child, born on the territory of the Republic of Poland, of an foreigner possessing a permit to settle;
- (2) has been married to a Polish citizen for at least 3 years and directly before submitting the application he/she has resided continuously on the territory of the Republic of Poland for at least 2 years on the basis of the residence permit for a fixed period;
- (3) directly before submitting the application, has resided on the territory of the Republic of Poland continuously for at least 10 years on the basis of the permit for tolerated stay or at least 5 years if he/she has been granted the refugee status;
- (4) is a child of the citizen of the Republic of Poland and is in his/her parental custody.

(2)In the case of an foreigner residing in the territory of the Republic of Poland as a result of having been granted the refugee status or permit for tolerated stay, the latter having been issued as a consequence of examination of his/her application for the refugee status, the period of residence during the proceedings concerning to grant the refugee status, even if the foreigner was placed in a guarded centre or in prison for the purpose of expulsion during this period, shall also be recognised as a part of the period of continuous residence.

(3)In the case of proceedings for granting the permit to settle to an foreigner married to a Polish citizen, Article 55 shall be applied.

(4)The residence of an foreigner on the territory of the Republic of Poland shall be regarded as continuous if the foreigner has not been absent from the territory of the Republic of Poland for a period exceeding 6 months or 10 months jointly during the periods referred to in Paragraph 1 (2) or (3), unless the reason for his/her absence was:

- (1) performance of occupational obligations or work outside of the territory of the Republic of Poland on the basis of contract concluded with an employer having its seat in the territory of the Republic of Poland;
- (2) accompanying the spouse performing his/her occupational obligations or work in the circumstances referred to in Subparagraph 1;
- (3) (repealed)
- (4) his/her medical treatment.

(5)The permit to settle shall be granted for an unlimited period of time.

(6)The permit to settle shall expire by virtue of law on the day of obtaining the long-term resident's EC residence permit by the foreigner.

Article 65 1. A long-term resident's EC residence permit shall be granted to an foreigner residing legally and continuously, directly before he/she submits an application, on the territory of the Republic of Poland for a period of at least 5 years, who possesses:

- 1) stable and regular source of income enough to cover the cost of maintenance of an foreigner and members of his/her family supported by him/her;
- 2) health insurance within the meaning of *provisions on common health insurance* or documents confirming that the costs of medical treatment on the territory of the Republic of Poland shall be covered by an insurer.

2.The provisions of Paragraph 1 shall not apply to the foreigner:

- 1) who undertakes studies or professional training on the territory of the Republic of Poland;
- 2) who has been granted the permit for tolerated stay, asylum or the refugee status in the Republic of Poland or the temporary protection;
- 3) who applies for being granted refugee status or asylum;
- 4) who works as "au pair worker", seasonal worker or a worker posted by a service provider for the purposes of cross-border provisions of services, or as cross-border provider of services;

- 5) who resides on the territory of the Republic of Poland on the basis of the visa referred to in Article 33 or the permit to reside for a fixed period granted on the basis of Article 53 (1) (5) or Article 53 (1) (7);
- 6) referred to in Article 110.

3. An income referred to in Paragraph 1, Subparagraph 1, must be – after deduction of costs of accommodation – for each member of family supported by an foreigner or for an foreigner if he/she is a single person, higher than the amount of income being a basis for granting social assistance pursuant to the provisions of Act of 12 March 2004 on Social Assistance. 4. The period referred to in Paragraph 1 shall not include the period of the residence of an foreigner:

- 1) who has been detained, placed in a guarded centre or held in detention for the purpose of expulsion, or of an foreigner that has been banned from leaving the country, or has been deprived of freedom on the basis of orders given pursuant to the laws;
- 2) who is an “au pair worker”, seasonal worker or a worker posted by a service provider for the purposes of cross-border provisions of services, or as cross-border provider of services;
- 3) on the basis of a visa referred to in Article 33, or the residence permit for a fixed period granted on the basis of Article 53 (1) (7); 4) who is the head of a diplomatic mission, member of staff of diplomatic missions, head of consular post, member of consular staff of foreign states and other person treated equally under applicable laws, treaties or generally recognized international customs.

5. The period referred to in Paragraph 1 shall include half of the period of an foreigner’s residence on the basis of visa issued in connection with studies or professional training, or on the basis of the period of residence permit for a fixed period granted in connection with circumstances referred to in Article 53 (1) (16) and Article 53a Subparagraph 1 letter b.

6. For the purpose of determining whether the foreigner’s residence on the territory of the Republic of Poland is continuous, provisions of Articles 64 (4) shall apply.

7. Long-term resident’s EC residence permit shall be granted for unlimited period of time.

- Article 66. An foreigner shall be refused a permit to settle, if: (1) he/she does not meet the requirements referred to in Article 61 (1);**
- (2) his/her data have been recorded in the index of foreigners whose residence on the territory of the Republic of Poland is undesirable;**
 - (3) his/her data are entered in the Schengen Information System for the purposes of refusal of entry;**
 - (4) it is justified by the state security and defence as well as by the public security and order or if it would be in breach of the interests of the Republic of Poland;**
 - (5) he/she applies for the permit on the basis of the marriage concluded with a Polish citizen and the marriage has been concluded for the purpose of abuse by an applicant of the provisions on granting a residence permit for a fixed period or permit to settle;**
 - (6) during the procedure for granting a permit to settle:**
 - (a) has/she submitted an application or documents which contain untruthful personal data or false information,**
 - (b) has testified untruthfully or has concealed the truth or has falsified or counterfeited a document for the purpose of using it as authentic or has used such document as authentic;**
 - (7) he/she does not perform fiscal obligations to the State Treasury.**

2. In the case referred to in Paragraph 1 (3), a residence permit may be granted for a fixed period only for serious reasons, particularly for humanitarian reasons or due to international obligations, taking into account the interest of the state making the entry into the Schengen Information System.

Article 67. An foreigner shall be refused a long-term resident’s EC residence permit, if:

- 1) he/she does not meet the requirements referred to in Article 65 (1); 2) it is justified by the state security or defence, or public security or law and order.

Article 68. 1. An foreigner shall be withdrawn a permit to settle, if:

- 1) it is justified by state security or defence, by public security or law and order, or by the interest of the Republic of Poland;
- 2) during the proceedings for granting a permit to settle, he/she has testified untruthfully or has concealed the truth or has falsified or changed a document or has used such document as authentic;
- 3) he/she has been sentenced by a final judgement of a Polish court to at least 3 years of imprisonment for committing an intentional crime;
- 4) he/she has left the territory of the Republic of Poland permanently;

2. In cases referred to in Paragraph 1 Subparagraph 1-3, following the decision on withdrawal of a permit to settle, issued to an foreigner residing on the territory of the Republic of Poland, the foreigner shall be obliged to leave this territory within the period indicated. 3. To proceedings on withdrawal of a permit to settle, which oblige the foreigner to leave the territory of the Republic of Poland, provisions regulating proceedings in cases of expulsion shall apply.

Article 69. 1. An foreigner shall be withdrawn a long-term resident's EC residence permit, if:

- 1) he/she has obtained such a permit fraudulently;
- 2) he/she constitutes a real and serious threat to state security or defence, or to public security or law and order;
- 3) he/she has left the territory of the Republic of Poland for the period exceeding 6 years;
- 4) he/she has left the territory of the European Union for the period of consecutive 12 months;
- 5) he/she has been granted a long-term resident's EC residence permit in other Member State of the European Union.

2. The authority conducting proceedings in the case of withdrawal of long-term resident's EC residence permit shall take into account the following, if circumstances referred to in Paragraph 1 Subparagraph 2 apply:

- 1) the duration of foreigner's residence on the territory of the Republic of Poland,
- 2) the age of the foreigner;
- 3) existence of links with the Republic of Poland or the absence of links with the country of origin;
- 4) the consequences for an foreigner and his/her family caused by withdrawal of the permit.

3. In the decision on withdrawal of long-term resident's EC residence permit issued according to the provisions of Paragraph 1 Subparagraph, the foreigner shall be obliged to leave the territory of the Republic of Poland within the period indicated in the decision: 4. To proceedings in the case of withdrawal of long-term resident's EC residence permit in the part relating to an obligation to leave the territory of the Republic of Poland provisions on proceedings in case of expulsion shall apply, with the exception to Article 90 (2).

Article 70. If a long-term resident's EC residence permit has been withdrawn because of the reasons referred to in Article 69 (1) (3)-(5), a subsequent long-term resident's EC residence permit shall be granted if an foreigner meets the conditions specified in Article 65, with the reservation that directly before the submission of a subsequent application he/she should reside legally and continuously on the territory of the Republic of Poland for a period of at least 3 years.

Article 71. 1. The permit to settle or the long-term resident's EC residence permit shall be granted at foreigner's request.

2. The application for a permit to settle may include the foreigner's children or other persons in his/her custody.

3. The application referred to in Paragraph 1 shall include:
- 1) personal data of the foreigner - in the scope necessary to issue a permit;
 - 2) personal data of the children included in the application, as well as of other persons entered into the travel document of the foreigner - inasmuch as it is necessary to issue the permit, in case of the application for permit to settle;
 - 3) information on abroad travels and stays within the last 5 years.

4. The application for a permit to settle or a long-term resident's EC residence permit shall be submitted using the application form.

5. An foreigner shall justify the application, provide a valid travel document and enclose it to the application:

- 1) photographs of persons included in the application;

- 2) documents necessary to confirm the data included in the application and the circumstances justifying his/her application for a permit to settle or a long-term resident's EC residence permit;
- 3) the legal title to a dwelling where he/she resides or intends to reside, as well as documents confirming the costs of accommodation.

6. A contract of loan for use shall not be regarded as the legal title to a dwelling where the foreigner resides or intends to reside, unless the lender is foreigner's descendant, ascendant, spouse or spouse's parent, or foreigner's sibling.

7. In a particularly justified case, if an foreigner does not possess a valid travel document and has no possibility to obtain one, he/she may present another document conforming his/her identity.

Article 71a. 1. An foreigner may submit the application for a permit to settle or a long-term resident's EC residence permit when he/she resides legally on the territory of the Republic of Poland.

2. The application for a permit to settle or for a long-term resident's EC residence permit submitted by an foreigner residing on the territory of the Republic of Poland on the basis of the visa referred to in Article 33, or by the foreigner referred to in Article 110, as well as the application for a long-term resident's EC residence permit submitted by an foreigner referred to in Article 65 (2) (1)-(4), or by an foreigner residing on the territory of the Republic of Poland on the basis of a permit to reside for a fixed period granted on the basis of Article 53 (1) (5) or (7) shall be left unprocessed.

3. If a final decision on granting the permit to settle or a long-term resident's EC residence permit has not been rendered prior to expiry of the period of foreigner's legal residence on the territory of the Republic of Poland, a Voivode shall issue to him/her a visa for the period of residence till the issue of final decision.

4. The provision in Paragraph 3 shall not apply if the proceedings on granting a permit to settle or a long-term resident's EC residence permit at the request of the party have been suspended.

Article 71b. 1. A decision on granting a permit to settle or a long-term resident's EC residence permit shall be rendered by the Voivode competent for the place of foreigner's intended residence.

2. Prior to rendering the decision on granting a permit to settle or a long-term resident's EC residence permit, the Voivode competent for the place of foreigner's intended residence shall be obliged to request the Commandant in Chief of the Border Guard division, the Commanding Officer of the Voivodeship Police Headquarter, the Chief of Internal Security Agency and - if necessary - other agencies, for information whether entry and residence of an foreigner on the territory of the Republic of Poland shall constitute a threat to state security and defence, as well as to public security and order.

3. In a case other than granting a decision on a permit to settle or a long-term resident's EC residence permit, the Voivode competent for the place of foreigner's intended residence shall inform the Chief of Internal Security Agency about the submission of the application for the permit to settle or a long-term resident's EC residence permit, as well as about the settlement of the request.

4. The authorities referred to in Paragraph 2, within the time limit of 30 days, shall present the opinion or submit the information whether entry and residence of an foreigner on the territory of the Republic of Poland constitutes a threat to state security and defence, as well as to public security and order.

5. If the authorities referred to in Paragraph 2 do not submit the information within the time limit of 30 days, it shall be presumed that the requirement to obtain information has been met.

6. In particularly justified cases, the time limit referred to in Paragraph 4 may be extended up to 3 months. This fact shall be notified to the Voivode by the authority obliged to present the information.

6a. In the case referred to in Article 66 (1) (3), under circumstances referred to in Article 66 (2), and prior to granting long-term resident's EC resident permit, the Voivode shall seek consultation referred to in Article 25 (1) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, via the Commandant in Chief of the Police.

7. The decision on withdrawal of a permit to settle or a long-term resident's EC residence permit shall be rendered by the Voivode competent for the foreigner's place of residence, *ex officio* or at request of the Minister of National Defence, the Chief of Internal Security Agency, the Commandant in Chief of the Border Guard, the Commandant in Chief of the Police, the Commanding Officer of the Boarder Guard division, or the Commanding Officer of the Voivodeship Police Headquarters.

8. The Voivode shall inform the President of the Office for Repatriation and Foreigners about granting a long-term resident's EC residence to an foreigner, if he/she possess such permit granted by another Member State of the European Union.

9. In the case referred to in Article 25 (1) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, and prior to granting long-term resident's EC resident permit, the Voivode shall notify the competent authority of the Schengen state, via the Commandant in Chief of the Police, on the issue of permit to settle.

10. In the case referred to in Article 25 (2) of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, and prior to granting long-term resident's EC resident permit, the Voivode shall notify the competent authority of the Schengen state, via the Commandant in Chief of the Police, on the lack of reasons to withdraw the permit to settle.

Article 71c. 1. The decision on granting a permit to settle or a long-term resident's EC residence permit shall be rendered within the period of 3 months from the date of instituting proceedings, and in appeal proceedings – within the period of 2 months from the date of receiving an appeal.

2. If the matter is not settled within the period of time referred to in Paragraph 1, the provisions of Article 36 – 38 of the Code of Administrative Proceedings shall apply.

Article 71d. The Minister competent for internal affairs shall specify, by ordinance, the specimen application forms for granting a permit to settle and a long-term resident's EC residence permit, as well as the number and requirements concerning photographs enclosed with the application. The application shall specify the foreigners' data referred to in Article 12, inasmuch as it is necessary to issue the permit to settle or the long-term resident's EC residence permit, as well as the data referred to in Article 71 (3).

Chapter 6

The residence card and other documents issued to foreigners

Article 72. 1. The residence card shall be issued to an foreigner who was granted:

- 1) the residence permit for a fixed period;
- 2) the permit to settle;
- 3) the long-term resident's EC resident permit;
- 4) the refugee status;
- 5) the permit for tolerated stay.

2. Within the period of its validity, the residence card shall confirm the identity of the foreigner during the period of his/her residence on the territory of the Republic of Poland, as well as - accompanied with the travel document - shall entitle the foreigner to multiple border crossing without the need to obtain visa.

3. The residence card issued to an foreigner who has been granted:

- 1) the residence permit for a fixed period shall be valid for the period of validity of this permit;
- 2) the permit to settle shall be valid for a period of 10 years;
- 3) the long-term resident's EC residence permit shall be valid for a period of 5 years.

Article 73. 1. The Polish travel document for an foreigner shall be issued at request of the foreigner who possesses a permit to settle or a permit for tolerated stay and who has lost his/her travel document or whose travel document was destroyed or its validity time expired and obtaining of a new travel document by that foreigner is not possible.

2. Polish travel document for an foreigner, within the period of its validity, shall entitle its holder to multiple border crossing.

3. Polish travel document for an foreigner shall be valid for the period not exceeding 1 year.

4. An foreigner in possession of Polish travel document shall not be released from the obligation to undertake appropriate steps to obtain the travel document.

Article 74. 1. Polish identity document for an foreigner may be issued to a minor foreigner born on the territory of the Republic of Poland, and residing on this territory without the parental care, if he/she does not possess a travel document and if it is not in contrary to the interest of the Republic of Poland, and if the issue is justified by the interest of the child and issuing a travel document for the child presents insurmountable barriers.

2. In particularly justified cases, if it is in good interest of the Republic of Poland and if granting another document confirming foreigner's identity is impossible, the foreigner who does not possess any citizenship and resides on the territory of the Republic of Poland without a travel document may be granted a Polish identity document for an foreigner.

3. Polish identity document for an foreigner shall be valid for one year. After expiry of its validity, the successive document may be issued for a period not exceeding 2 years.

4. Polish identity document for an foreigner shall be issued in the case referred to in:

- 1) in Paragraph 1 - upon request of a legal representative of a minor or *ex officio* or;
- 2) in Paragraph 2 - at foreigner's request.

5. The Polish identity document for an foreigner shall confirm the identity of the foreigner within the period of his/her residence in the territory of the Republic of Poland but shall not confirm his/her citizenship. This document does not entitle the foreigner to cross the border.

6. An foreigner in possession of Polish travel document shall not be released from the obligation to obtain visa, the residence permit for a fixed period, the permit to settle or the long-term resident's EC residence permit.

Article 75. 1. Provisional Polish travel document for an foreigner shall be issued to an foreigner possessing a permit to settle or the long-term resident's EC residence permit, if he/she staying abroad has lost his/her travel document or whose travel document was destroyed or its validity time expired if that foreigner intends to return to the territory of the Republic of Poland and obtaining by him/her another travel document is not possible.

2. Provisional Polish travel document for an foreigner may be issued to an foreigner residing on the territory of the Republic of Poland who does not possess the travel document of his/her country of origin or whose travel document was destroyed or its validity time expired if that foreigner intends to depart from the territory of the Republic of Poland and obtaining by him/her another travel document is not possible.

3. Polish travel document for an foreigner shall be issued at foreigner's request. The foreigner referred to in Paragraph 2 may also be issued that document *ex officio*.

4. Provisional Polish travel document for an foreigner shall authorise the foreigner:

- 1) referred to in Paragraph 1 - to single entry into the territory of the Republic of Poland;
- 2) referred in Paragraph 2 - to depart from the territory of the Republic of Poland.

5. Provisional Polish travel document for an foreigner shall be valid for the period specified in that document, however not exceeding 7 days.

Art. 76. 1. The following data shall be included in the residence card:

- 1) given name (names) and surname of the foreigner and his/her parents' given names;
- 2) date and place and country of birth;
- 3) address of permanent or temporary residence; in the case of lack of temporary residence address longer than 2 months, address information shall not be included;
- 4) citizenship;
- 5) sex; height in centimetres and eye colour;
- 6) index number of the General Electronic Population Register System (PESEL) – if it was granted;
- 7) information about the kind of granted permission;
- 8) annotation "scientist" in the case of residence permit for a specified period of time granted on a basis of Article 53 Paragraph 1 Subparagraph 17 or 18.

2. The following data shall be included in Polish travel document for an foreigner:

- 1) given name (names) and surname of the foreigner;
- 2) date, place and country of birth;
- 3) citizenship;
- 4) sex;

5) first and surnames, date, place and country of birth and sex of accompanying children or other minors in his/her custody.

3. The following data shall be included in Polish identity document for an foreigner:

- 1) given name (names) and surname of the foreigner and his/her parents' given names;
- 2) date and place and country of birth;
- 3) address of permanent or temporary residence; in the case of lack of temporary residence address longer than 2 months, address information shall not be included
- 4) sex; height in centimetres and eye colour:

4. The following data shall be included in temporary Polish travel document for an foreigner:

- 1) given name (names) and surname of an foreigner;
- 2) date and place and country of birth;
- 3) citizenship;
- 4) sex; height in centimetres and eye colour;
- 5) first names and surnames, dates, places and countries of birth and sexes of accompanying children or other minors in his/her custody.

5. The residence card and the documents referred to in Paragraphs (2) - (4) shall also contain the name of issuing authority, date of issue, residence card or the documents validity period and they may contain a photo and the signature of the holder, as well as the coded data referred to in Paragraphs (1) - (4).

6. The documents referred to in Paragraphs (2) and (4) may also contain photographs of accompanying children or other minors in his/her custody.

7. Provisional Polish travel document for an foreigner might also contain the given name and surname, the official position held and signature of the person issuing the document.

Article 77. The foreigner shall be obliged to exchange his/her residence card, Polish travel document for an foreigner or Polish identity document for an foreigner, in the case of:

- 1) change of data entered into the document;
- 2) change of an foreigner's appearance which makes it difficult to establish his/her identity;
- 3) damage of those documents to the extent making their use difficult;
- 4) expiry of the validity of the residence card issued in connection with obtaining by the foreigner the permit to settle or the residence permit for a long-term EC resident;
- 5) loss or destruction of those documents.

Article 78. Application for issue or exchange of the Polish travel document for an foreigner or the Polish identity document for an foreigner, application for issue of the temporary Polish travel document for an foreigner or exchange of the residence card shall include:

- 1) personal data of the foreigner and of the children included in the application, as well as of other persons entered into the travel document of the foreigner, inasmuch as it is necessary to issue or exchange the residence card or the travel document;
- 2) address of permanent or temporary residence for a period exceeding 2 months.

2. An foreigner shall be obliged to provide a document confirming his/her identity, and an foreigner applying for the exchange of a residence card shall provide a valid travel document, and enclose the following documents with the application:

- 1) photographs of persons included in the application;
- 2) documents confirming the data and circumstances given in the application.

3. In a particularly justified case, if an foreigner applying for the exchange of a residence card does not possess a valid travel document and has no possibility to obtain one, he/she may present another document confirming his/her identity.

Article 79. 1. An foreigner who has lost his/her residence card shall be obliged to report this fact to the Voivode who had issued the card, within the period of 3 days from the date of its loss.

2. If the lost residence card has been found, an foreigner shall be obliged to report this fact to the Voivode within the period of 3 days from its finding. If the foreigner has already been issued a new card, he/she shall be obliged to return the found one immediately.

3. The provisions of Paragraphs 1 and 2 shall apply in cases when the Polish identity document for an foreigner or the Polish travel document for an foreigner has been lost.

Article 80. 1. An foreigner shall be obliged to immediately return:

- 1) the residence card – after delivery of: the document confirming the acquisition of Polish citizenship, decision on withdrawal of the residence permit for a fixed period, the permit to settle or the residence permit for a long-term EC resident;
- 2) the Polish travel document for an foreigner – after delivery of the travel document or the decision on withdrawal of the permit to settle or the residence permit for a long-term EC resident;
- 3) the Polish identity document for an foreigner – after delivery of the document confirming the acquisition of Polish citizenship or citizenship of another state.

2. The residence card, the Polish travel document for an foreigner and the Polish identity document for an foreigner shall also be returned in the event of the death of an foreigner. In such case, a person obliged to report the death pursuant to the provisions of registry office records shall be also obliged to return those documents.

3. An foreigner leaving the territory of the Republic of Poland due to withdrawal of the residence permit for a fixed period, the permit to settle or the residence permit for a long-term EC resident shall be issued a certificate of return of the residence card, the Polish travel document for an foreigner or the Polish identity document for an foreigner. The certificate is valid until the time of leaving of the territory of the Republic of Poland.

4. The residence card and other documents referred to in Paragraph 1 shall be returned to the issuing authority.

Article 81. 1. The residence card shall be issued by the Voivode who has granted the residence permit for a fixed period, the permit to settle or the residence permit for a long-term EC resident.

2. The Polish travel document for an foreigner and the Polish identity document for an foreigner shall be issued by the Voivode competent for the foreigner's place of residence.

3. The Polish identity document for an foreigner shall be issued after obtaining the consent of the President of the Office for Repatriation and Foreigners.

4. Provisional Polish travel document for an foreigner shall be issued:

- 1) abroad – by a Consul;
- 2) in the Republic of Poland - the Voivode competent for the foreigner's place of residence or - in particularly justified cases - by the Commanding Officer of the Border Guard checkpoint.

5. The residence card, the Polish travel document for an foreigner or the Polish identity document for an foreigner shall be exchanged by the Voivode competent for the foreigner's place of residence.

6. An foreigner shall be obliged to personally collect his/her residence card and other documents referred to in Paragraphs (2) – (5), and in the case of a minor under the age of 13, the residence card shall be collected by his/her legal guardian or curator.

Article 82. The refusal to issue a residence card, a Polish travel document for an foreigner, a Polish identity document for an foreigner or a provisional Polish travel document for an foreigner shall be effected by means of a decision.

Article 83. 1. A residence card, a Polish travel document for an foreigner, a Polish identity document for an foreigner or a provisional Polish travel document for an foreigner shall be issued and exchanged only after payment of the required fee.

2. The fee shall not be paid for the issue of:

- 1) the residence card and other documents referred to in Paragraph 1, if the ones issued previously were technically defected;
- 2) the provisional Polish travel document for an foreigner, if it is issued to an foreigner being subject to expulsion from the territory of the Republic of Poland;
- 3) the first residence card issued to an foreigner in the Republic of Poland which has granted:
 - a) the refugee status,
 - b) the permit to settle as a closest member of a returned expatriate's family,
 - c) the permit for tolerated stay;
- 4) the Polish identity document for an foreigner, if it is issued ex officio.

3. Income deriving from the fee paid for the issue or exchange of the residence card and other documents referred to in Paragraph 1 shall constitute the State budget income.

4. The Minister competent for internal affairs, acting in consultation with the Minister competent for public finance matters, shall specify, by ordinance, the amount and manner of payment of fees charged in the Republic of Poland for the issue and exchange of the residence card, the Polish travel document for an foreigner and the Polish identity document for an foreigner, as well as for the issue of the provisional Polish travel document for an foreigner.

5. The ordinance shall take the following into account:

- 1) the unit costs of production and issue or exchange of the residence card, the Polish travel document for an foreigner and the Polish identity document for an foreigner, as well as of the issue of the provisional Polish travel document for an foreigner;
- 2) the possibility to increase the fee for exchange of the residence card, the Polish travel document for an foreigner and the Polish identity document for an foreigner in the case when the loss or destruction of those documents has been caused by foreigner's fault; increasing of the fee shall depend on the number of events causing the necessity for issuing the new residence card or the new document;
- 3) the cases, when the fee for exchange of the residence card, of the Polish travel document for an foreigner and of the Polish identity document for an foreigner shall be reduced, as well as the documents justifying such reduction.

Article 84. 1. The Minister competent for internal affairs shall specify, by ordinance:

- 1) specimen residence card, specimen travel document for an foreigner, specimen Polish identity document and specimen provisional Polish travel document for an foreigner, taking into account the data referred to in Article 76;
- 2) specimen application forms for issue and exchange of the Polish travel document for an foreigner, the Polish identity document for an foreigner, specimen application form for issue of the provisional Polish travel document for an foreigner and specimen application form for exchange of the residence card, as well as the number photographs enclosed with the application and the requirements concerning the photographs.

2. The specimen application forms, referred to in Paragraph 1 (2) shall include the foreigner's data referred to in Article 12 (1), inasmuch as it is necessary to issue and exchange the residence card, the Polish travel document for an foreigner, the Polish identity document for an foreigner and the provisional Polish travel document for an foreigner, as well as the data referred to in Article 76 and 78 (1).

3. In the case of changing the specimen residence card, the specimen Polish travel document for an foreigner, the specimen Polish identity document for an foreigner or the specimen temporary travel document for an foreigner, the ordinance, referred to in Paragraph 1, may specify the validity period of those residence cards or documents issued on the existing specimen forms, as well as the time limit up to which the existing specimen forms may be used.

Article 84a. 1. Foreigners being school pupils from third countries taking part in school trips to another European Union Member State pursuant to the principles determined European Union legislation, may be included in the list of participants of school trips in the European Union, prepared by the school headmaster.

2. Data of the foreigners included in the list of participants of school trips in the European Union, as well as their right to re-enter the territory of the Republic of Poland shall be confirmed, at request of the school concerned, by the Voivode competent for the school's location.

3. The Minister competent for internal affairs, acting in consultation with the Minister competent for foreign affairs and Minister competent for education, shall specify, by ordinance, the specimen list of participants of school trips in the European Union, taking into account the provisions of Annex to the 94/795/JHA Council Decision of 30 November 1994 on a joint action, adopted by the Council on the basis of Article K.3 (2) (b) of the Treaty on European Union concerning travel facilities for school pupils from third countries residing in a Member State (OJ

EC L of 19.12.1994).

Chapter 7

Control of the legality of foreigners' residence

Article 85. 1. The control of legality of foreigners' residence on the territory of the Republic of Poland shall be exercised by the Border Guard and the Police.

1a. The legality of foreigners' residence on the territory of the Republic of Poland may be exercised by the President of the Office for Repatriation and Foreigners, the Voivode, the agencies of the Customs Service, in the scope necessary for these authorities to conduct the proceedings in foreigners' or customs cases.

2. The officer of the Customs Service, the Border Guard and the Police or the official entitled by the President of the Office for Repatriation and Foreigners or the Voivode may request an foreigner to produce:

- 1) documents and permits authorising the foreigner to reside on the territory of the Republic of Poland;
- 2) financial means necessary to cover the costs of residence, transit through and departure from the territory of the Republic of Poland, or the documents enabling the foreigner to obtain the financial resources referred to in Article 15 (1), if the foreigner resides on the territory of the Republic of Poland on the basis of a residence permit for a fixed period, a visa or an international agreement on partial or full abolition of visa requirement, or on the basis of unilateral abolition of visa requirement, pursuant to the provisions referred to in Article 51 (3) and (4).

Article 86. 1. An foreigner who is subjected to control of the legality of residence shall be obliged to present the documents referred to in Article 85 (2) (1), the work permit and the financial resources referred to in Article 15 (1) or documents enabling the foreigner to obtain such resources.

2. The obligation to present financial resources necessary to cover the costs of residence on the territory of the Republic of Poland, or the documents enabling the foreigner to obtain those resources, shall not be required from the foreigner who arrived into the territory of the Republic of Poland for the purpose of family reunification or from a person who had been granted the refugee status.

Article 87. The Minister competent for internal affairs shall specify, by ordinance, the procedure of carrying out control of the legality of foreigners' residence on the territory of the Republic of Poland, taking into account the circumstances in which the control should be carried out, the types of documents controlled, as well as the procedure and scope of documenting the control related activities.

Chapter 8

The expulsion of foreigners and the obligation to leave the territory of the Republic of Poland

Article 88. 1. An foreigner shall be rendered a decision on expulsion from the territory of the Republic of Poland, if:

- 1) he/she resides on that territory without the required visa, the residence permit for a fixed period, the permit to settle or the residence permit for a long-term EC resident;
- 2) he/she has carried out work contrary to the Act of 20 April 2004 on the promotion of employment and institution of labour market, or he/she has undertaken another economic activity contrary to the laws in force in the Republic of Poland;
- 3) he/she does not possess the financial resources necessary to cover the costs of residence on the territory of the Republic of Poland and he/she cannot indicate any credible sources of obtaining those resources;
- 4) his/her data is recorded in the list of foreigners whose residence in the territory of the Republic of Poland is undesirable, if the entry of the foreigner takes place during the application of the record;
(4a) his/her data are entered in the Schengen Information System for the purposes of refusal of entry; if the foreigner resides on the territory of the Republic of Poland on the basis of the short-term residence visa or as part of visa free travel;
- 5) continuation of his/her residence may constitute a threat to state security and defence, as well as to public security and order, or it would be in breach of the interests of the Republic of Poland.
- 6) he/she has crossed or has attempted to cross the border contrary to the laws;
- 7) he/she did not leave voluntarily the territory of the Republic of Poland within the time limit specified in the decision:
 - a) on the obligation to leave the territory of the Republic of Poland,
 - b) on the refusal of granting the residence permit for a fixed period,

- c) on the withdrawal of the residence permit for a fixed period.
 - 8) he/she does not meet the fiscal obligations to State Treasury;
 - 9) he/she has served a sentence of imprisonment for committing an intentional crime or tax offence issued in the Republic of Poland;
 - 10) he/she has been sentenced in the Republic of Poland by the legally valid and enforceable sentence of imprisonment and there are grounds to conduct the extradition procedure abroad in order to execute the punishment judged in relation to this foreigner.
- 2.A decision on expulsion shall not be rendered to an foreigner who possesses the permit to settle or the resident permit for a long-term EC resident.

Article 89. 1. The decision on expulsion of an foreigner shall not be rendered, and the decision rendered shall not be executed, if:

- 1) there are grounds for granting the permit for tolerated stay on the basis of Article 97 of the Act of 13th June 2003 on granting protection to foreigners within the territory of the Republic of Poland;
 - 2) the foreigner is a spouse of the Polish citizen or of an foreigner possessing the permit to settle or the resident permit for a long-term EC resident, and his/her residence does not constitute a threat to state security and defence or to public security and order, unless the marriage has been concluded in order to avoid expulsion;
 - 3) the proceedings for granting the refugee status is being carried out in relation to the foreigner.
2. When the decision on granting the refugee status to an foreigner becomes final, the Voivode shall state the expiry of a decision on foreigner's expulsion, rendered prior to initiating of the proceedings for granting the refugee status.

3. Article 55 shall apply to the proceedings on expulsion of an foreigner referred to in Paragraph 1(2). **Article 90.** 1. The decision on expulsion:

- 1) shall specify the time limit, not exceeding 14 days, in which an foreigner must leave the territory of the Republic of Poland.
 - 2) may specify the route of arrival to the border and the place of crossing the border;
 - 3) may oblige the foreigner to stay in the indicated place until the execution of the decision and may oblige him/her to report to the authority indicated in the decision at specified intervals of time.
2. The decision on expulsion may be made immediately enforceable, where justified by the reasons referred to in Article 88 (1) (5).
3. The decision on expulsion shall cause, by virtue of law, the cancellation of a visa, withdrawal of the residence permit for a fixed period and of the work permit.

Article 90a. The decisions on expulsion may be transmitted by means of any devices that make it possible to read and record information in writing on paper, as well as by means of telecommunication networks and may be delivered to an foreigner in the form resulting from such a transmission.

Article 91. The foreigner must not leave the place of residence specified in the decision on expulsion without authorisation of the authority which issued that decision.

Article 92. 1. The decision on expulsion shall be issued, ex officio or at request of the Minister of National Defence, the Chief of the Internal Security Agency, the Chief of the Intelligence Agency, the Commandant in Chief of the Border Guard, the Commandant in Chief of the Police, the Commanding Officer of the Boarder Guard Division, the Commanding Officer of the Voivodeship Police Headquarter, the commanding Officer of the Border Guard checkpoint or Customs Service agency, by the Voivode competent for the foreigner's place of residence or by the Voivode competent for the place of disclosure of the event which constitutes the basis for request for foreigner's expulsion.

2. The fact of rendering the decision on expulsion shall be recorded in the travel document of the foreigner and notified by the Voivode to the Commanding Officer of the Voivodeship Police Headquarter, as well as to the authority that has requested for expulsion decision to be issued.

Article 93. 1. Fingerprints shall be taken from an foreigner with regard to whom the decision on expulsion has been issued, by the authority which has requested for the issue of the decision on expulsion or by the Commanding Officer of the Voivodeship Police Headquarter competent for the seat of the

Voivode who has issued that decision ex officio or at request of the Minister of National Defence or the Customs Service agency, unless the fingerprints were taken according to provisions of Article 14 (2), Article 98 (4) or Article 101 (3). The same authority shall take a photograph of the foreigner, if it was not taken earlier during the criminal proceedings pursuant to Article 74 (2) (1) of the Code of Criminal Procedure or during the proceedings on granting the refugee status pursuant to the Article 24 (1) (3) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.

2. The provisions of Article 14 (2) shall apply to taking fingerprints from the foreigner with regard to whom the decision on expulsion has been issued.

Article 94. 1. The decision on expulsion of a minor foreigner to his/her country of origin or to another country shall be executed only when care will be provided to him/her in such country by parents, other adults or by competent care institutions in accordance with the standards provided for in the Convention on children's rights, adopted by the United Nations General Assembly on 20 November 1989 (O.J. of 1991, No 120, item 526 and O.J. of 2000, No 2, item 11).

2. A minor foreigner may be expelled only if he/she remains under care of the legal representative, unless the manner of executing the decision on expulsion is such that the minor is handed over to the legal representative or to a representative of competent authorities of the country to which the expulsion is carried out.

Article 95. 1. An foreigner with regard to whom the decision on expulsion has been issued may be escorted to the border or to the border of the country to which the foreigner has to be expelled, or to the airport or sea port of that country, if:

- 1) he/she stays in a guarded centre or detention centre for the purpose of expulsion;
- 2) he/she has not left the territory of the Republic of Poland within the time limit specified in the decision on expulsion, or in a decision including the order to leave the territory of the Republic of Poland;
- 3) it is justified by reasons of state security and defence, as well as public security and order or the interest of the Republic of Poland;
- 4) the decision on expulsion of an foreigner has been issued with regard to the circumstance referred to in Article 88 (1) (7).

2. The obligation to escort an foreigner to the border shall be carried out by the Commanding Officer of the Voivodeship Police Headquarter, competent for the place of the foreigner's stay.

3. The obligation to escort an foreigner from the border to the border of the country to which he/she is to be expelled or to the airport or the sea port of that state shall be carried out by the Commandant in Chief of the Border Guard or the commanding Officer of the Border Guard division competent for the place of crossing the border by the foreigner.

4. The Commanding Officer of the Border Guard checkpoint shall make a note in the register of expulsions from the territory of the Republic of Poland, the date when the foreigner left this territory or shall notify this fact immediately the Voivode, who issued the expulsion decision.

Article 96. 1. The costs related to expulsion shall be borne by the foreigner, excluding the cases referred to in Paragraphs 2 and 3.

2. The costs related to expulsion shall be borne by the host, if the invited foreigner entered the territory of the Republic of Poland within the period specified in the invitation and the circumstances justifying his/her expulsion occurred:

- 1) during his/her stay in this territory in the period covered by the invitation or
- 2) after expiry of the period covered by the invitation, if the foreigner did not obtain the extension of his/her visa, residence permit for a fixed period, permit to settle or residence permit for a long-term EC resident, or if he/she does not enjoy the protection in the territory of the Republic of Poland referred to in Article 3 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, and stayed in this territory.

3. The costs related to expulsion shall be borne by the employer or the person who entrusted the foreigner with other gainful employment or function, if the expulsion occurs in relation to the fact that the foreigner has carried out work contrary to the Act of 20 April 2004 on promotion of employment and institutions of labour market.

4. The costs related to expulsion shall be borne by the employer or the person who entrusted the foreigner with other gainful employment or function, if the foreigner who was invited is subject to expulsion in relation to the fact that he /she has carried out work contrary to the Act of 20 April 2004 on promotion of employment and institutions of labour market.

5. If the foreigner staying in the territory of the Republic of Poland to conduct scientific research has not covered the costs related to expulsion, these costs shall be borne by the research establishment which admitted the foreigner in order to implement a research project, if such costs have been covered from public funds within 6 months from the date of expiry of the contract of admission to implement a research project and if the basis for his/her expulsion have been the circumstances referred to in Article 88 (1) (1) and if the decision on expulsion has been issued within 6 months from the date of expiry of the contract of admission referred to in Article 53 (1) (17) or (18).

6. The costs related to expulsion shall in particular include the costs of:

- 1) proceedings;
- 2) taking the fingerprints and photographs;
- 3) stay in a guarded centre or detention centre for the purpose of expulsion;
- 4) medical examination;
- 5) assistance provided by a Member State of the European Union with regard to transit by air carried out via its territory;
- 6) transporting the foreigner to the border or to the border of the country to which the foreigner is going or is being escorted to, or to the airport or sea port of that country;
- 7) of escorting to the border.

Article 96a. 1. The amount of costs related to expulsion of the foreigner, the entities obliged to bear these costs, as well as the date and manner of payment shall be determined by decision issued by the Voivode competent for the issue of the decision on expulsion.

2. The Voivode who issued the decision on the costs related to expulsion may amend it, if such costs have been changed after issuing the decision.

3. The decision referred to in Paragraphs 1 and 2 shall be given an order of immediate enforceability.

Article 96b. 1. The costs related to expulsion of an foreigner not paid on time shall be subject to execution under the provisions of the Act of 17 June 1966 on Execution Proceedings in Administration (Dz.U. of 2005, No 229, item 1954, as amended), however, in relation to foreigner's financial means deposited with an organisational unit of the Border Guard or of the Police, this organisational unit shall be the authority entitled to enforce execution.

2. Commencement of execution proceedings shall not require prior delivery of a reminder.

Article 96c. 1. Until the costs related to expulsion are covered by the entity obliged to do so, the State Treasury shall cover those costs.

2. The costs related to expulsion, which may not be enforced, shall be covered by the State Treasury.

3. The income deriving from the costs related to expulsion shall constitute revenue of the State budget.

Article 97. 1. In the cases referred to in Article 88 (1) (1) - (3), the foreigner may be obliged to leave the territory of the Republic of Poland within the time limit not exceeding 7 days, if the circumstances of the case indicate that he/she will comply with that obligation voluntarily.

2. The decision obliging the foreigner to leave the territory of the Republic of Poland shall be given an order of immediate enforceability.

3. The decision referred to in Paragraph 2 shall cause, by virtue of law, the cancellation of a visa, the withdrawal of the residence permit for a fixed period and of the work permit.

Article 98. 1. The decision obliging the foreigner to leave the territory of the Republic of Poland shall be rendered by the Commanding Officer of the Voivodeship Police Headquarter, the Commanding Officer of the poviát (municipality), the Commanding Officer of the Border Guard Division or the Commanding Officer of the Border Guard checkpoint.

2. The decision referred to in Paragraph 1 may be appealed against to the Voivode competent for the seat of the authority which issued the decision.

3. The fact that the decision obliging the foreigner to leave the territory of the Republic of Poland has been issued shall be recorded in his/her travel document by the authority referred to in Paragraph 1. That authority shall immediately notify the fact of issue of that decision to the territorially competent Voivode.

4. The authority referred to in Paragraph 1 shall take the fingerprints from the foreigner with regard to whom the decision obliging him/her to leave the territory of the Republic of Poland has been issued, unless the fingerprints were taken pursuant to Article 14 (2), Article 93 (1) or Article 101 (3).

5. The provision of Article 14 (3) shall apply to taking the fingerprints from the foreigner with regard to whom the decision obliging him/her to leave the territory of the Republic of Poland has been issued.

Article 99. If in relation to the foreigner obliged by decision to leave the territory of the Republic of Poland the decision on expulsion is issued:

- 1) the authority which has issued the decision on expulsion shall state that the decision obliging the foreigner to leave the territory of the Republic of Poland expires on the day when expulsion decision was issued;
- 2) the appeal proceedings against the decision obliging the foreigner to leave the territory of the Republic of Poland shall be discontinued.

Article 99a. 1. The provisions of Articles 88, 90, 91, 95 and Articles 97 - 99 shall not apply to foreigners who have access to the labour market in the territory of the Republic of Poland in accordance with the provisions of legal acts issued by the authorities appointed under Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (OJ L 217 of 29.12.1964, p. 3687) and to their family members. In the scope regulated by the above provisions, the provisions of Chapter 5 of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members (Dz.U. No 144, item 1043) shall apply.

2. The family member the foreigner referred to in Paragraph 1 shall be his/her :

- 1) spouse;
- 2) descendent or his/her spouse descendant who is under the age of 21 or is a dependent of the foreigner referred to in Paragraph 1 or of his/her spouse;
- 3) direct ascendant or his/her spouse ascendant who is dependent of the foreigner referred to in Paragraph 1 or his/her spouse.

Article 100. 1. The Minister competent for internal affairs shall specify, by ordinance:

- 1) the procedure carried out by the authorities during the expulsion proceedings, and in particular: requirements for the request for rendering of the decision on expulsion, as well as activities which should be undertaken, if the foreigner who is subject to expulsion does not possess a travel document, taking into account the need of effectiveness and correctness of the proceedings;
- 2) the manner of recording in a travel documents the decision obliging the foreigner to leave the territory of the Republic of Poland and the decision on expulsion. The manner of recording should ensure the possibility to determine during control of foreigner's travel document that the above-mentioned decisions were issued.

2. The Minister competent for internal affairs, acting in consultation with the Minister competent for the public finances, shall specify the detailed manner of calculating the costs:

- 1) of transporting the foreigner to the border or to the border of the country to which the foreigner is going or is being escorted to, or to the airport or sea port of that country;
- 2) related to escorting of the foreigner;
- 3) of stay in a guarded centre or in detention centre for the purpose of expulsion;
- 4) of taking the fingerprints and photographs, included in the costs of expulsion.

3. While determining the detailed manner of calculating the costs referred to in Paragraph 2, it is necessary to take into account the means of transport used for expulsion of the foreigner, the number of persons escorting him/her to the border, the length of the transport route, the costs of meals and accommodation, the value of materials used for taking the fingerprints and the costs of taking the photographs.

Chapter 8a

Transit of the foreigner by air

Article 100a. 1. If due to justified practical reasons it is not possible to use a direct flight from the territory of the Republic of Poland in order to transport the foreigner to the airport of the country to which he/she is to be expelled, the Commandant in Chief of the Border Guard Headquarters shall make a request to Central Authority of other European Union Member State for the authorisation to transit the foreigner through the area of the airport of this State, hereinafter referred to as "transit by air".

2. If necessary, the request for transit by air authorisation relates also to all persons who are responsible for the foreigner during transit, including persons who take medical care of him/her and the interpreters, hereinafter referred to as "escort".

3. The Commandant in Chief of the Border Guard Headquarters shall deliver the request for transit by air to the Central Authority of the European Union Member State no later than 48 hours prior to the beginning of transit.

4. The time limit referred to in Article 3 shall not apply to particularly urgent cases.

5. Transit by air may be carried out after obtaining the authorisation from the Central Authority of other European Union Member State, unless bilateral or multilateral agreements or arrangements provide for otherwise.

6. The Minister competent for internal affairs shall specify, by ordinance, the specimen authorisation request for transit by air, taking into account the provisions of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321 of 06.12.2003).

Article 100b. 1. The Commandant in Chief of the Border Guard Headquarters shall consult with the Central Authority of other European Union Member State the extent of assistance in transit by air, as well as methods of carrying it out, ensuring that transit will be completed within the time limit not exceeding 24 hours.

2. If transit by air cannot be completed within 24 hours, the Commandant in Chief of the Border Guard Headquarters may agree with the Central Authority of other European Union Member State on the extension of transit, for the period, however, not exceeding 48 hours.

Article 100c. The foreigner referred to in Article 100a (1) shall be allowed immediately to re-enter the territory of the Republic of Poland, if:

- 1) the Central Authority of the European Union Member State has withdrawn the transit by air authorisation;
- 2) during transit by air he/she has entered without authorisation the territory of the European Union Member State on the area of which the airport of transit is located;
- 3) his/her expulsion to the country of destination or to another transit country or his/her boarding the aircraft was ineffective;
- 4) the execution of transit is impossible due to other reason.

Article 100d. 1. The costs related to re-entry of an foreigner in the territory of the Republic of Poland shall be borne by the State Treasury.

2. The costs of assistance in transit by air provided by other European Union Member State shall be reimbursed by State Treasury.

3. The costs referred to in Paragraphs 1 and 2 shall be financed from the State budget, from the part of which the Minister competent for internal affairs is the disposer, from the funds at disposal of the Commandant in Chief of the Border Guard Headquarters.

Article 100e. If it is not possible to use a direct flight from the territory of other European Union Member State in order to transport the foreigner to the airport of the country to which he/she is to be expelled from the territory of this European Union Member State, the Commandant in Chief of the Border Guard Headquarters, upon request of the Central Authority of other European Union Member State, shall grant authorisation for transit by air through the area of Polish airport.

Article 100f. 1. The Commandant in Chief of the Border Guard Headquarters shall notify the Central Authority of other European Union Member State on granting or refusing to grant authorisation for the transit by air within the time limit of 48 hours from obtaining the request.

2. In justified cases the time limit referred to in Paragraph 1 may be extended for consecutive 48 hours.

Article 100g. 1. The Commandant in Chief of the Border Guards Headquarters may refuse the transit by air authorisation if:

- 1) the foreigner is accused of committing a crime in the Republic of Poland or is on a wanted list in connection with the execution of a sentence ;
- 2) transit through the territory of other countries or admission of the foreigner to the country to which he/she is to be expelled are unenforceable;
- 3) execution of a expulsion decision requires the change of the airport within the territory of the Republic of Poland;
- 4) the foreigner constitutes a threat to public order and security, to public health or the interest of the Republic of Poland;
- 5) it is impossible to provide assistance in the execution of transit.

2. The Commandant in Chief of the Border Guards Headquarters may withdraw the transit by air authorisation, if the circumstances referred to in Paragraph 1 have arisen after the authorisation was granted.

3. The Commandant in Chief of the Border Guard Headquarters shall notify immediately the Central Authority of other European Union Member State on:

- 1) refusal to grant or withdrawal of the transit by air authorisation;
- 2) next date when the execution of the transit by air is possible – if the transit by air authorisation was refused or withdrawn on the basis of Paragraph 1 (5).

Article 100h.1. The Commandant in Chief of the Border Guard Headquarters, upon request of the Central Authority of the other European Union Member State, may provide assistance in transit by air through the area of Polish airport, in particular on:

- (1) seizing the foreigner at the aircraft and conveying him within the airport area;
- (2) providing the foreigner and his/her escort with:
 - (a) necessary medical care,
 - (b) meals;
- (3) receiving, storing and forwarding foreigner's travel documents;
- (4) notifying the Central Authority of the other European Union Member State on place and time of foreigner's departure, in cases of non escorted transit;
- (5) providing the Central Authority of the other European Union Member State with essential information related to carrying out of the transit;
- (6) providing the foreigner with accommodation during the transit;
- (7) countering attempts undertaken by the foreigner to make the transit impossible.

2. After the completion of transit by air through the area of Polish airport the Commandant in Chief of the Border Guard Headquarters shall apply to the Central Authority of the other European Union Member State for covering the costs of the assistance granted.

Article 100i.1. When carrying out the transit by air through the area of Polish airport, the officers of an escort from the other European Union Member State:

- (1) shall be entitled to apply coercive measures against the foreigner, using physical force in the form of incapacitating holds and similar techniques of defence or attack, in order to repulse active aggression or using handcuffs in order to prevent active aggression;

(2) may cooperate with the officers of the Border Guard, using coercive measures appropriate to the needs of existing situation and necessary to ensure obedience to the orders issued, according to the conditions of use of coercive measures by the officers of the Border Guard, specified in the Act of 12 October 1990 on the Border Guard, in case of an immediate and serious risk that the foreigner is going to attempt an escape, cause injury to himself/herself or to a third party, or cause damage to property.

2. When carrying out the transit by air through the area of Polish airport the officers of the escort from the other European Union Member State shall be entitled to carry out the transit by air, shall wear civilian cloths and shall not be armed.

Article 100j. The provisions of the Code of Administrative Procedures, as well as the provisions on procedure before administrative courts shall not apply to the matters regulated in this chapter.

Chapter 9

The proceedings in case of detention of an foreigner, placing an foreigner in the guarded centre or in the detention centre for the purpose of expulsion

Article 101.1 The foreigner in relation to whom any circumstances that justify rendering the decision on expulsion apply or the foreigner who evades carrying out the obligations specified in the decision on expulsion, may be detained for a period not exceeding 48 hours.

2. The foreigner's detention shall be carried out by the Border Guard or the Police.

3. The authority which has detained the foreigner should take his/her fingerprints without delay and, if required by the circumstances, it also should:

- (1) make a request to the court for placing the foreigner in the guarded centre or in the detention centre for the purpose of expulsion;
- (2) make a request to the Voivode for rendering of the decision on withdrawal of the permit to settle or the long-term resident's EC resident permit;
- (3) make a request to the Voivode for rendering of the decision on expulsion;
- (4) execute the decision on expulsion, in particular escort the foreigner to the border of the Republic of Poland or to the border, an airport or a sea port of the country to which he/she is being expelled.

The foreigner shall be released from detention:

- (1) if, within the time limit of 48 hours from detention, he/she has not been handed over to the court together with the request for placing him/her in the guarded centre or in the detention centre for the purpose of expulsion;
- (2) if, within the time limit of 24 hours from being handed over to the court, he/she has not been delivered a ruling on placing him/her in the guarded centre or in the detention centre for the purpose of expulsion;
- (3) on the order of the court;
- (4) if the reason for detention has ceased to exist.

3b. The Code of Criminal Procedure shall apply to detention of an foreigner, in the scope not regulated herein.

4. If there is an obstacle which makes the escort or admission of the foreigner to the guarded centre or to the detention centre for the purpose of expulsion impossible, he/she may be placed in the Police or the Border Guard separate facility for persons detained, until this obstacle has been removed.

5. The provisions concerning the stay in the guarded centre or in the detention centre for the purpose on expulsion shall apply accordingly to the foreigner placed in the facility referred to in Paragraph 4.

6. The provision of Article 14 (3) shall apply to the procedure of taking the fingerprints of the foreigner detained on the basis of Paragraph 1.

7. The Minister competent for internal affairs shall specify, by ordinance, and having in mind the reasons for taking the fingerprints, the pattern of the dactyloscopic card used for taking fingerprints from the foreigner on the basis of Paragraph 3, Article 14 (2), Article 93 (1) or Article 98 (4).

Article 101a.1. The authority which stopped a minor foreigner staying on the territory of the Republic of Poland without care may make a request to the court, competent for the place of stopping the minor, for placing the minor in the custodian-educational centre.

2.The costs related to placing and stay of the minor foreigner in the custodian-educational centre shall be financed from the State budget, from the part of which the Minister competent for internal affairs is the disposer, from the funds the at disposal of the Commandant in Chief of the Border Guard Headquarters or of the Commandant in Chief of the Police.

Article 102.1. The foreigner shall be placed in the guarded centre, if:

- (1) it is necessary to ensure the effectiveness of the proceedings on expulsion or on withdrawal of the permit to settle or of the long-term resident's EC resident permit;
- (2) there is a well-founded fear that the foreigner will attempt to evade the execution of the decision on expulsion or on withdrawal of the permit to settle or of the long-term resident's EC resident permit;
- (3) he/she crossed or has attempted to cross the border contrary to the provisions, if he/she has not been escorted to the border immediately.

2.The foreigner shall be placed in the detention centre for the purpose on expulsion, if any of the circumstances referred to in Paragraph 1 have arisen and if there is a fear that the foreigner will not observe the rules in force in the guarded centre.

Article 103. The ruling on placing the foreigner in the guarded centre or in detention centre for the purpose of expulsion shall not be rendered if it may cause a serious threat to his/her life or health.

Article 104.1. The foreigner shall be placed in the guarded centre or in the detention centre for the purpose of expulsion on the basis of the court ruling.

2.The ruling referred to in Paragraph 1 shall be rendered at request of the Voivode, the agency of the Border Guard or the Police, by the district court competent for the seat of the authority, which has made the request.

3.The request for placing the foreigner in the guarded centre or in detention centre for the purpose of expulsion should contain:

- (1) name (names), surname, sex and parents' names;
- (2) date and place and country of birth;
- (3) citizenship;
- (4) recent place of residence;
- (5) legal basis of the request;
- (6) indication of the guarded centre or the detention centre for the purpose of expulsion, in which the foreigner should be placed;
- (7) indication of the period for which the foreigner should be placed in the guarded centre or in the detention centre for the purpose of expulsion;
- (8) justification.

4.The proceedings for placing an foreigner in the guarded centre or in the detention centre for the purpose of expulsion shall be carried out on the basis of the provisions of the Code of Criminal Procedure, with the reservation that the function of the public prosecutor may be exercised by the Voivode's representative or by the officer of the Border Guard or the Police.

5.The district court competent for the location of the guarded centre or the detention centre for the purpose of expulsion, in which the foreigner has been placed shall supervise the execution of the ruling on placing the foreigner in the guarded centre or in the detention centre for the purpose of expulsion.

Article 105.1. While rendering the ruling on placing an foreigner in the guarded centre or in the detention centre for the purpose of expulsion, the court shall undertake the necessary measures to protect the foreigner's property. The court shall also notify of the ruling rendered:

- (1) appropriate diplomatic mission or consular office - upon consent of the foreigner concerned;
- (2) guardianship court, if there is a need to provide care for minor children in his/her custody;
- (3) social assistance agency, if there is need to take care of an infirm or ill person of whom the foreigner has taken care;
- (4) person indicated by the foreigner.

2.The foreigner shall be informed by the court, in a language he/she understands, of actions undertaken, the orders rendered and the rights he/she is granted during the procedure before the court.

Article 106.1. While rendering the ruling on placing an foreigner in the guarded centre or in the detention centre for the purpose of expulsion, the court shall specify the period of detention or detention centre for the purpose of expulsion, not exceeding, however, 90 days.

2.The period of stay in the guarded centre or in the detention centre for the purpose of expulsion may be prolonged for a specified period necessary to execute the decision on expulsion, if that decision was not executed due to the foreigner's fault. The period of stay in the guarded centre or in the detention centre for the purpose of expulsion cannot exceed one year.

3.The district court competent for the location of the guarded centre or the detention centre for the purpose of expulsion, where the foreigner has been placed, shall render the ruling on prolongation of the period of an foreigner's stay in the guarded centre or in the detention centre for the purpose of expulsion. That ruling shall be rendered at request of the authority obliged to escort the foreigner to the border or the border of the country to which he/she is to be expelled or an airport or a sea port of the country to which he/she has to be expelled.

4.The ruling referred to in Paragraph 3 may be complained against to the competent regional court within the time limit of 7 days from the date of delivery of that ruling. The court shall examine the complaint without delay.

Article 107.1. The ruling on release of an foreigner from the guarded centre or the detention centre for the purpose of expulsion shall be rendered, if:

- (1) the reasons justifying application of those measures have ceased to exist;
- (2) any of the circumstances referred to in Article 103 have arisen;
- (3) application of those measures is not possible because of circumstances other than referred to in Article 103;
- (4) the decision on expulsion of the foreigner from the territory of the Republic of Poland has been reversed or invalidated;
- (5) the foreigner has been granted the refugee status or asylum;
- (6) the foreigner has been granted the permit for tolerated stay;
- (7) the foreigner has been preliminary detained or if any other legal measure resulting in deprivation of liberty has been imposed on him/her.

2.The ruling on release in the case referred to in Paragraph 1 (1) – (3) and (7) shall be rendered at request of the foreigner or the authority supervising the guarded centre or the detention centre for the purpose of expulsion, by the district court competent for the seat of this authority.

3.In the cases referred to in Paragraph 1 (4) – (6), the ruling on release shall be rendered by the authority, which has issued the final decision.

4.An foreigner placed in the guarded centre or in the detention centre for the purpose of expulsion shall be released, if:

- (1) the period specified in the ruling referred to in Article 106 (1) and (2) has expired;
- (2) a ruling on releasing the foreigner from the guarded centre or the detention centre for the purpose of expulsion has been rendered;
- (3) the decision on expulsion has been executed.

5.The authority supervising the guarded centre or the detention centre for the purpose for expulsion shall immediately notify the court, which rendered the ruling on placing the foreigner in the guarded centre or in the detention centre for the purpose of expulsion, about the fact of releasing the foreigner from the guarded centre or the detention centre for the purpose for expulsion.

Article 108.1. An foreigner undoubtedly wrongfully detained or placed in the guarded centre or in the detention centre for the purpose of expulsion shall be entitled to compensation, from the State Treasury, for the damage he/she has suffered and to compensation for the injury sustained.

2.The proceedings referred to in Paragraph 1 shall be carried out pursuant to the provisions of the Code of Criminal Procedure relating to the compensation for wrongful conviction, preliminary detention, or detention.

Article 109.1. The guarded centres for foreigners shall be financed from the part of State budget at disposal of the Minister competent for internal affairs.

2.The Minister competent for internal affairs shall establish and close, by ordinance, the guarded centres, taking into account the existing needs. The Minister shall also specify the authority of Police or Border Guard which shall supervise those centres.

3.The Minister competent for internal affairs shall specify, by order, the facilities in which foreigners arrested for the purpose for expulsion shall be placed, in particular taking into account the need to use them rationally.

Chapter 10

The stay of foreigners in the guarded centre or in the detention centre for the purpose of expulsion

Article 110. Residence on the territory of the Republic of Poland of an foreigner detained, placed in the guarded centre or in the detention centre for the purpose of expulsion in relation to whom the probation measure in the form of ban to leave the country has been applied, or of an foreigner deprived of liberty on the basis of orders given pursuant to legal acts, shall be considered as legal.

Article 111.1. The foreigner shall be admitted to the guarded centre or the detention centre for the purpose of expulsion on the basis of ruling of the court on placing him/her in the guarded centre or in the detention centre for the purpose of expulsion.

2.While being admitted to the guarded centre or to the detention centre for the purpose of expulsion, the foreigner shall be obliged to provide his/her personal data, information about the address of permanent or temporary residence in the country of origin, as well as information about his/her state of health.

3.The foreigner shall be obliged to deposit the following items at the guarded centre or at the detention centre for the purpose of expulsion:

- (1) identity documents, money and valuable objects;
- (2) technical devices used for recording and reading of information;
- (3) audiovisual and computer equipment and other objects, if the head of the guarded centre or the agency of the Police or of the Border Guard does not allow to keep those objects in the room for foreigners or in the accommodation cell;
- (4) objects which may constitute a threat to the order or safety in the centre or in the detention centre.

4.While being admitted to the guarded centre or to the detention centre for the purpose of expulsion, the foreigner shall be obliged to deposit also those objects whose dimensions or amounts are contrary to the rules of stay in the detention centre.

Article 112. The foreigner admitted to the guarded centre or to the detention centre for the purpose of expulsion shall be informed in a language he/she understands about the rights and obligations vested in him/her, as well as about the rules of stay in the guarded centre or in the detention centre for the purpose of expulsion.

Article 113.1. The foreigner admitted to the guarded centre or to the detention centre for the purpose of expulsion shall be subjected without delay to medical examination and - if necessary - to sanitary treatment.

2.The doctor carrying out the examination referred to in Paragraph 1 and providing medical care for foreigners placed in the guarded centre or in the detention centre for the purpose of expulsion shall be obliged to provide a medical documentation pursuant to the separate provisions.

3.Costs of the examinations referred to in Paragraph 1 shall be financed from the part of State budget at disposal of the Minister competent for internal affairs.

Article 114.1. The foreigner admitted to the guarded centre shall be placed in a room for foreigners. The foreigner admitted to the detention centre shall be placed in the accommodation cell.

2.The area of a room for foreigners and of the accommodation cell shall not be less than:

- (1) 3 sq m per one man;
- (2) 4 sq m per one woman or a minor.

3.The room for foreigners and the accommodation cell shall be provided with a separate place to sleep, appropriate conditions of hygiene, sufficient supply of air, as well as temperature appropriate to the

season, pursuant to the standards specified for the accommodation facilities, as well as be equipped with lighting appropriate for reading.

Article 115.1. Foreigners of different sex shall be placed separately.

2.If it is possible, an foreigner placed in the guarded centre together with a minor remaining in his/her custody, shall stay in the same room with the minor.

3.An unaccompanied minor staying in the guarded centre shall be placed in a separated part of the centre, in the manner that makes his/her contact with adults placed in the centre not possible.

4.If it is possible, foreigners who - according to their declaration - are the closest family members shall be placed, at their request in writing, in the same room.

Article 116.1 The foreigner placed in the guarded centre or in the detention centre for the purpose of expulsion shall use his/her own clothing, underwear and footwear.

2.If the objects referred to in Paragraph 1 are suitable for use or if their use is not allowed for the hygiene purposes, the foreigner may obtain, for a payment, clothing, underwear and footwear appropriate for the season . If the foreigner is not able to pay for those objects - he/she should be provided with them free of charge.

3.The foreigner shall obtain, free of charge, the toilet articles.

Article 117. 1. The foreigner placed in a guarded centre or held in detention for the purpose of expulsion has the right to:

- 1) contact State authorities of the Republic of Poland and the diplomatic mission or the consular post of the foreign country in personal and official cases;
- 2) contact the non-governmental or international organisations granting assistance to foreigners, especially legal assistance;
- 3) dispose of the objects deposited referred to in Article 111 (3) (2) and (3) and Article 111 (4), unless those objects have been safeguarded according to the proceedings set forth in the regulations on the administrative enforcement;
- 4) receive medical treatment and - if it is justified by his/her state of health – be placed in a health care centre;
- 5) undisturbed sleep between 10 p.m. and 6 a.m., on Sundays and holidays until 7 a.m., and during other periods of time, unless it is contrary to the rules of stay in the centre or in detention centre;
- 6) use sanitary facilities, as well as toilet articles necessary to maintain personal hygiene;
- 7) possess the objects of religious cult, exercise religious practices, enjoy religious services, as well as listen to or watch religious services transmitted by mass media in the accommodation facilities, unless it is contrary to the rules of stay in the centre or in detention centre;
- 8) read the press, purchase the press at his/her own expense, and keep it in the room for foreigners or in the accommodation cell;
- 9) purchase food and toilet articles at his/her own expense and to keep these objects in the room for foreigners or in the accommodation cell; those objects may be kept in the accommodation cell only if neither they nor their packaging constitute a threat to the order and safety in the detention centre;
- 10) purchase stationery, books and club games at his/her own expense and to keep those items in the room for foreigners or the accommodation cell;
- 11) receive parcels containing clothing, footwear and other objects of personal use, as well as containing dressing and toilet articles, if those parcels have been checked in his/her presence. The parcels containing medicine may be handed over to the foreigner only at doctor's consent;
- 12) correspond and use the means of communication at his/her own expense; in emergency events the foreigner may be allowed to use means of communication and to send correspondence at the expense of the centre or of the detention centre;
- 13) submit petitions, complaints and requests to:
 - a) the head of the centre, the Police or the Border Guard agency, which supervises the centre,
 - b) the officer responsible for the management of the detention centre or to the Police or the Border Guard agency supervising the detention centre;
- 14) receive visits of close friends and family in specifically designed rooms, upon consent of the Police or the Border Guard agency supervising the centre or the detention centre, or upon consent of the person authorised by that authority.

2. The foreigner may exercise the rights other than those specified in Paragraph 1, upon consent of the Police or the Border Guard agency supervising the guarded centre or the detention centre for the purpose of expulsion, as well as upon consent of the person authorized by that authority.

3. Apart from the rights referred to in Paragraph 1, the foreigner placed in the guarded centre has also the right to:

- 1) purchase tobacco articles at his/her own expense and to keep them in the room for foreigners;

- 2) move around the area of the centre within the time and in place specified by the head of the centre;

- 3) use the library;

- 4) use the recreation and sport equipment within the time and in the place specified by the head of the centre.

4. Apart from the rights referred to in Paragraph 1, the foreigner staying in the detention centre for the purpose of expulsion has also the right to:

- 1) one-hour walk outdoor everyday, unless the doctor recommends otherwise;

- 2) contact other foreigners staying in the detention centre upon consent of the officer on duty in the detention centre within the time and in the place specified;

- 3) play club games within the time and in the place specified by the officer on duty in the detention centre; gambling, however, is not allowed;

- 4) purchase tobacco articles at his/her own expense, and to smoke tobacco in the place indicated, upon consent of the officer on duty in the detention centre;

5. The head of the guarded centre or the officer responsible for management of the detention centre for the purpose of expulsion, or the Police or the Border Guard agency supervising the centre or the detention centre may allow the foreigner to keep audiovisual or computer equipment or other objects, including those which may improve the outlook of the facilities or which express the foreigner's cultural interests, in the room for foreigners or in the accommodation cell.

Article 118. 1. The foreigner placed in a guarded centre or in a detention centre for the purpose of expulsion shall be provided with medical treatment, medications, sanitary articles, meals and beverages. The foreigner shall be provided with medical treatment, medications and sanitary articles in accordance with the rules laid down in the Act of 6 June 1997 – Executive Penal Code (Dz. U. No 90, item 557, as amended), applied to people placed in prisons or in detention on remand. 2. The Minister competent for internal affairs shall specify, by ordinance, the conditions for providing food and beverages for foreigners placed in guarded centres or detention centres for the purpose of expulsion, as well as their daily diet, taking into consideration in particular the age, health condition and religious as well as cultural needs of foreigners.

Article 119. The foreigner placed in a guarded centre or in a detention centre for the purpose of expulsion shall be obliged to:

- 1) observe the regulation of the centre or of the detention centre;

- 2) obey the orders of the centre's administration, or of the officer on duty in the detention centre;

- 3) respect the quiet hours between 10 p.m. to 6 a.m. and on Sundays and holidays until 7 a.m.;

- 4) observe the rules of social coexistence;

- 5) take care of personal hygiene and cleanness of the facilities;

- 6) use the equipment of the centre or the detention centre in an appropriate manner;

- 7) immediately inform the centre's administration or the officer on duty in the detention centre about the noticed symptoms of illness; the officer on duty in the detention centre should be also immediately informed about the cases of self-mutilation or another serious event.

Article 120. The foreigner placed in the guarded centre shall be forbidden to:

- 1) leave the area of the centre without authorisation or stay in places in which the admittance has been banned by the centre's administration;

- 2) disturb peace and order in the centre;

- 3) keep - except from those deposited - technical devices used for recording and reading information, as well as objects, which may constitute a threat to the order or safety in the centre;

- 4) keep objects in rooms for foreigners, whose dimension or amount are contrary to the rules of stay in the centre;

- 5) consume alcohol, or to use narcotic drugs or psychotropic substances;

- 6) smoke tobacco articles out of the places indicated;

- 7) deny the intake of meals provided by the centre's administration, or to cause injuries of his/her body or health, as well as to persuade to, or to assist in committing such acts in order to extort a certain decision or activity;
- 8) contact persons not staying in the centre, or foreigners placed in other rooms for foreigners, if this breaches the order of the centre;
- 9) change the room for foreigners or place indicated for sleeping without authorisation;
- 10) organise gambling and to participate in it.

Article 121. 1. A woman may stay in the detention centre for the purpose of expulsion until the end of seventh month of pregnancy.

2. The agency of the Border Guard or the Police, supervising the detention centre used for the purpose of expulsion, shall be obliged to make a request to the court prior to the end of sixth month of pregnancy to place a pregnant woman, staying in the detention centre for the purpose of expulsion, in a guarded centre.

Article 122. 1. The foreigner released from the guarded centre or from the detention centre used for the purpose of expulsion shall be given back the deposited money and objects.

2. If the decision on expulsion of the foreigner placed in the guarded centre or in the detention centre for the purpose of expulsion is to be executed, the identity documents and the objects referred to in Article 111 (3) (2) and (4) shall be taken from the deposit by the commandant of the escort. Those documents and objects shall be given back to the foreigner in the Border Guard checkpoint through which the foreigner is to be expelled from the territory of the Republic of Poland, or at the border, an airport or a seaport of the country to which he/she is being expelled.

3. At request of the foreigner released from the guarded centre or from the detention centre used for the purpose of expulsion, the objects deposited by him/her may be given back to the person entitled by the foreigner in writing, or to the institution or organisation indicated by him/her. The costs of giving back the deposited objects shall be borne by the foreigner.

Article 123. 1. The Minister competent for internal affairs shall specify, by ordinance, the conditions which the guarded centres and the detention centres used for the purpose of expulsion should meet, as well as rules and regulations concerning the stay in the guarded centres and in the detention centres used for the purpose of expulsion, in particular taking into account the arrangement of the rooms and accommodation cells for foreigners, as well as the internal order of the centre and of the detention centre.

2. The Minister competent for internal affairs may specify, by ordinance, the manner of ensuring security in the guarded centres and detention centres used for the purpose of expulsion, taking into account the organisational structure of the Police and of the Border Guard, duties of the Police and the Border Guard officers employed in the guarded centres or in the detention centres used for the purpose of expulsion, as well as the conditions of entry of persons other than the officers of the Police or the Border Guard, or the persons employed in the centres, or in the detention centres to the area of the centres or the detention centres.

Chapter 11

Registers and lists of foreigners

Article 124. The following registers concerning the entry of foreigners into, residence on and the departure from the territory of the Republic of Poland shall be kept in an electronic form:

- 1) the registers of cases concerning:
 - (a) visas,
 - (b) residence permits for a fixed period,
 - (c) permits to settle,
 - (d) issue of Polish identity documents for an foreigner,
 - (e) issue of provisional Polish travel documents for an foreigner,
 - (f) obligation to leave the territory of the Republic of Poland,
 - (g) expulsion from the territory of the Republic of Poland,

- (h) persons who have been granted the authorisation for entry and residence on the basis of Article 144 (1), (i) persons stopped in the border zone and escorted to the border,
 - (j) residence permits for long-term EC residents,
 - (k) foreigners whose fingerprints have been taken on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3), (l) issue of Polish travel documents for an foreigner,
 - m) refusal of entry on to the territory of the Republic of Poland;
- 2) the register of fingerprints taken from foreigners on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3); 3) the register of invitations;
 - 4) the list of foreigners whose residence on the territory of the Republic of Poland is undesirable, hereinafter referred to as "the list".

Article 125. 1. The registers referred to in Article 124:

- 1) Subparagraph 1 (a), shall be kept by the Commanding Officer of the Border Guard, the Voivode, the Consul and the President of the Office for Repatriation and Foreigners - in the scope of their respective functions;
 - 2) Subparagraph 1 (b) – (d), (g), (j), (l), shall be kept by the Voivode;
 - 3) Subparagraph 1 (e), shall be kept by the Voivode, the Consul and the Commanding Officer of the Border Guard - in the scope of their respective functions;
 - 4) Subparagraph 1 (f) and (k), shall be kept by the Commanding Officer of the Voivodeship Police headquarters, the poviats (town) Police Commanding Officer, the Commanding Officer of the Border Guard Division and the Commanding Officer of the Border Guard checkpoint - in the scope of their respective functions;
 - 5) Subparagraph 1 (h), shall be kept by the President of the Office for Repatriation and Foreigners;
 - 6) Subparagraph 1 (i), shall be kept by the Commanding Officer of the Border Guard Division;
 - 6a) Subparagraph 1 (m), shall be kept by the Commanding Officer of the Border Guard;
 - 7) Subparagraph 2, shall be kept by Police Commander in Chief.
2. The register referred to in Article 124 (3) shall be kept by the Voivode.
3. The list shall be kept by the President of the Office for Repatriation and Foreigners.

Article 126. 1. In the registers referred to in Article 124 (1) (a) – (c), (j), (m), the information about applications, rulings rendered, administrative decisions and court judgements, as well as the data referred to in Article 12 shall be stored:

- (a) letter a, related to foreigners participating in the proceedings on issuing and prolongation of a visa or in the proceedings on invalidation of a visa,
 - (b) letter b, related to foreigners participating in the proceedings on granting or withdrawal of the residence permit for a fixed period, as well as the information on the date of issue, number, series and the date of expiry of the residence card,
 - (c) letter c, related to foreigners participating in the proceedings on granting and withdrawal of the permit to settle, as well as the information on the date of issue, number, series and the date of expiry of the residence card,
 - (d) letter j, related to foreigners participating in the proceedings on granting and withdrawal of the long-term resident's EC resident permit, as well as the information on the date of issue, number, series and the date of expiry of the residence card,
 - (e) letter m, related to foreigners participating in the proceedings on a decision concerning the refusal to allow for the entrance on to the territory of the Republic of Poland;
- 2) letters d, e, l, information on name (names), surname, date and place of birth and citizenship of an foreigner, information on the date of issue, number, series and the date of expiry of the Polish identity document for an foreigner or the provisional Polish travel document for an foreigner, as well as information on applications submitted for the issue or exchange of those documents and on decisions refusing their issue shall be stored;
 - 3) letter f, data on foreigners obliged to leave the territory of the Republic of Poland and information on decisions on obligation to leave the territory of the Republic of Poland shall be stored;

- 4) letter g, data on foreigners expelled from the territory of the Republic of Poland and information on decisions on expulsion from the territory of the Republic of Poland, as well as on the date an foreigner left the territory of the Republic of Poland shall be stored;
- 5) letter h, data on foreigners who have been granted the authorisation for entry and stay on the basis of Article 144 (1) shall be stored;
- 6) letter i, data on persons stopped in the border zone and escorted to the border shall be stored;
- 7) letter k, information about given name (names) and surname, date and place of birth and the citizenship of the foreigner whose fingerprints has been taken, as well as the legal basis for taking the fingerprints, as well as the function, name and surname of the person who has taken the fingerprints shall be stored.

2. The register of the fingerprints taken from foreigners on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3), shall contain the legal basis for taking fingerprints and the date of taking them, as well as information on the dactyloscopic cards or on taking the fingerprints by means of the device used for taking fingerprints electronically. The register shall also contain the following personal data of the foreigner:

- 1) given name (names) and surname;
- 2) date and place of birth;
- 3) citizenship.

3. The data of the host and the foreigner, referred to in Article 16 (2), shall be stored in the register of invitations.

Article 127. The authorities who take foreigner's fingerprints shall be obliged to transmit the data referred to Article 126 (2), as well as the fingerprints taken by means of dactyloscopic cards or with the device used for taking of fingerprints electronically to Police Commander in Chief.

Article 128. (1) In the list, there shall be stored personal data of the foreigner with regard to whom any of the following circumstances has arisen:

- (1) a final decision has been rendered on expulsion or a decision on withdrawal of the permit to settle on the basis of Article 68 (1) (1) – (3); a decision on withdrawal of the long-term resident's EC resident permit on the basis of Article 69 (1) (2) or a decision on refusal to grant the refugee status including an order to leave the territory of the Republic of Poland referred to in Article 16 (1) (2) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.
- (2) a final decision has been rendered obliging the foreigner to leave the territory of the Republic of Poland, the decision in which the time limit for leaving the territory of the Republic of Poland has been specified, or the decision on refusal of granting or on withdrawal of the resident permit for a fixed period;

(3) the foreigner has been sentenced with a final judgement:

(a) in the Republic of Poland, for committing an intentional crime or a tax offence, to a fine or imprisonment for less than one year,

(b) in a state other than the Schengen state, for a crime which is regarded as a common crime also pursuant to the Polish law,

(c) in a Schengen state for imprisonment for more than one year;

- (4) the foreigner does not comply with fiscal obligations to the State Treasury;
- (5) the entry and residence of the foreigner are undesirable for the reason of commitments stemming out from the provisions of ratified international agreements binding the Republic of Poland;
- (6) the entry or residence of the foreigner are undesirable as they may constitute a threat to state security and defence, as well as to public security and order, or it would be in breach of the interests of the Republic of Poland.

(1a) The list shall not include the data of an foreigner:

- (1) if he/she is the spouse of a Polish citizen or the spouse – staying in the territory of the Republic of Poland - of an foreigner possessing the permit to settle or the long-term resident's EC resident permit unless his/her stay in the territory of the Republic of Poland constitutes a threat to state security and defence or to public security and order;
- (2) possessing the permit to settle or the long-term resident's EC resident permit.

(1b) If the decision referred to in Paragraph 1 (1) and (2) has been issued with the order of immediate enforceability, personal data of the foreigner may be placed in the list on this basis, even if the decision is not final.

(2) In the list, the legal and factual basis for the registration as well as the following personal data of the foreigner shall be entered:

- (1) name (names) and surname (also other names if used);
- (2) surname at birth;
- (3) parents' names;
- (4) date and place of birth;
- (5) sex;
- (6) citizenship;
- (7) place of residence;

(3) Personal data of the foreigner shall be entered into the list for the following periods:

- (1) one year from the date of a voluntary departure from the territory of the Republic of Poland within the time limit specified in the decision on the obligation to leave the territory of the Republic of Poland, ordering to depart within a specified period, in the decision on refusal to grant or withdrawal of the residence permit for a fixed period;
- (2) 3 years from the date of a voluntary departure from the territory of the Republic of Poland within the time limit specified in the decision on refusal or withdrawal of the residence permit for a fixed period, ordering to depart within a specified period if the cause of the order to depart was a threat to state defence or security, or to public security and order;
- (3) 3 years from the date of execution of the decision on expulsion, the decision on withdrawal of the permit to settle or of the long-term resident's EC resident permit, or the decision on refusal to grant the refugee status;
- (4) 5 years from the date of execution of the decision on expulsion, the decision on withdrawal of the permit to settle or of the long-term resident's EC resident permit or the decision on refusal to grant the refugee status, if the costs of expulsion were fully or partially covered by the State Treasury;
- (5) 5 years from the date on which the execution of the custodial sentence - served on the basis of the judgements referred to in Paragraph 1 (3) - was completed, if the foreigner had been sentenced at least to three years of imprisonment;
- (5a) 3 years from the date on which the execution of the custodial sentence - served on the basis of judgements referred to in Paragraph 1 (3) - was completed, if the foreigner had been sentenced to less than 3 years of imprisonment;
- (5b) 3 years from the date of the judgement – referred to in Paragraph 1 (3) - becoming final if the foreigner was sentenced to a fine; if the fine is the only punishment the foreigner was sentenced with, and the fine will be paid, personal data of the foreigner shall be deleted off the list;
- (5c) conditional stay of execution of imprisonment from the date of the judgement – referred to in Paragraph 1 (3) - becoming final, if the foreigner was sentenced to imprisonment with a conditional stay of execution;
- (6) one year from the date of regulating fiscal liabilities to the State Treasury or from the date on which those liabilities were barred by the statute of limitations;
- (7) the period stemming from international agreements binding the Republic of Poland, referred to in Paragraph 1 (5);
- (8) up to 3 years, in the case referred to in Paragraph 1 (6) with the possibility of extension for subsequent periods not exceeding 3 years.

(3a) In the case of lack of information on the implementation of the decision referred to in Paragraph 3 (1) - (4), the beginning of the period for which personal data of the foreigner are entered into the list is the last day of the time limit for leaving the territory of the Republic of Poland, and if the time limit was not specified in the decision – the date of issuing the decision.

(4) Personal data of the foreigner shall be deleted off the list after the expiry of the periods referred to in Paragraph 3.

Article 129. (1) The entry, extension of storage and deletion of the data entered in the list shall be carried out by the President of the Office for Repatriation and Foreigners, ex officio or at the request of:

- (1) Minister of National Defence;
- (2) Minister competent for public finances;
- (2a) Minister competent for foreign affairs;
- (3) Commandant in Chief of the Police;
- (4) Commandant in Chief of the Border Guard;
- (5) Chief of the Internal Security Agency;
- (6) Chief of the Intelligence Agency;
- (7) President of the Institute of National Remembrance – the Commission for the Prosecution of Crimes against the Polish Nation;
- (8) Voivode;
- (9) Consul.

(2) If the President of the Office for Repatriation and Foreigners refuses to consider the request of the authority referred to in Paragraph 1 as justified, the requesting authority may ask the Minister competent for internal affairs to settle the case.

(3) In the case referred to in Paragraph 2, the Minister competent for internal affairs may consider the request of the authority as justified and order the President of the Office for Repatriation and Foreigners to: enter, extend or delete the data on the list.

Article 130. (1) The government administration authorities which are in possession of the information about circumstances justifying the entering of foreigner's data referred to in Article 128 (1) into the list shall be obliged to send those data to the President of the Office for Repatriation and Foreigners.

(2) When the decision on expulsion or the obligation to leave the territory of the Republic of Poland and any other decision specifying the time limit for leaving the territory of the Republic of Poland becomes final, the authority which rendered the decision shall be obliged to send its copy to the President of the Office for Repatriation and Foreigners.

(3) The court which has sentenced the foreigner for the crime referred to in Article 128 (1) (3) (a) shall send a copy of the final judgement to the President of the Office for Repatriation and Foreigners.

(4) The court which has sentenced the foreigner for the crime referred to in Article 128 (1) (3) (a), applying a conditional stay of execution, shall send to the President of the Office for Repatriation and Foreigners a copy of the judgement pursuant to which the punishment whose execution was conditionally stayed was ordered to be executed.

Article 131. (1) A foreigner may submit a request for:

(1) information on entering his/her personal data into the register or the Schengen Information System;

(2) putting right his/her personal data included in the register or the Schengen Information System, if he/she finds it untrue;

(3) putting right his/her personal data included in the register or the Schengen Information System, if he/she finds it untrue;

1a. The request concerning data entered into the Schengen Information System may solely relate to data entered by the Head of the Office for Foreigners for the purposes of refusal of entry.

(2) The President of the Office for Repatriation and Foreigners shall be obliged to examine the request referred to in Paragraph 1 and to respond to it within the period of 30 days from the date of receiving it.

3. In the proceedings instituted as a result of the request referred to in Paragraph 1, the Head of the Office for Foreigners shall provide the foreigner only with information on entering his/her personal data into the register or the Schengen Information System.

(4) In the case of proceedings in the cases referred to in Paragraphs 1 - 3, the provisions of the Code of Administration Procedure on certificates shall be applied.

Article 131a. 1. The President of the Office for Repatriation and Foreigners shall enable the foreigner whose data has been entered into the list to look through the documents concerning the entry in the list with regard to: his/her personal data, the period of validity of the entry, the legal basis for the entry and –

in the cases referred to in Article 128 (1) (1) and (2) – also the documents concerning the factual basis for the entry. The provision of Article 73 of the Code of Administration Procedure shall not apply.

2. The provision of Paragraph 1 shall also apply to checking documents concerning the entry of data of the foreigner by the Head of the Office for Foreigners to the Schengen Information System.

Article 132. (1) The President of the Office for Repatriation and Foreigners shall establish and keep, in an IT system called the "Pobyt System", the domestic set of registers and the lists of cases involving foreigner.

(2) The „Pobyt System” shall consist of:

- (1) the registers referred to in Article 124 Subparagraph 1 (a)-(h), (j), (l), (m) except for the registers kept by the Consul;
- (2) the register referred to in Article 124 Subparagraph 3;
- (3) the list referred to in Article 124 Subparagraph 4;
- (4) the register of cases for granting the refugee status and providing assistance to foreigners applying for the refugee status;
- (5) the register of cases for expulsion of foreigners granted the refugee status;
- (6) the register of cases for granting asylum;
- (7) the register of cases for granting the permit for tolerated stay;
- (8) the register of cases for granting temporary protection;
- (9) the register of a European Union national's residence;
- (10) the register of residence cards of the member of an EU national's family;
- (11) the register of documents confirming the right of permanent residence;
- (12) the register of permanent residence cards of the member of an EU national's family;
- (13) registers of applications as well as rulings and decisions rendered in cases:
 - (a) for issuance of an entry visa for the purpose of repatriation,
 - (b) for providing repatriates with aid from the State budget resources,
 - (c) for acknowledging as a repatriate;
- (14) the register of foreigners applying for issuance of an entry visa for the purpose of repatriation and of the members of their families, who have no accommodation or source of maintenance in the Republic of Poland;
- (15) the central register of data on acquiring and losing Polish citizenship.

Article 133. (1) The data processed in the "Pobyt System", in the register referred to in Article 124 Subparagraph (1) (k) as well as in the register of the fingerprints taken from an foreigner on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3) shall be made available to the following authorities:

- (1) Commandant in Chief of the Police;
- (2) Commandant in Chief of the Border Guard Headquarters;
- (3) Chief of the Internal Security Agency;
- (4) the Chief of the Intelligence Agency;
- (4a) Chief of the Central Anticorruption Bureau,
- (5) Minister of National Defence;
- (6) Minister competent for public finances;
- (7) Minister competent for internal affairs;

Minister competent for foreign affairs;

- (8) Refugee Board,
- 9) courts,
- 10) administrative court,
- 11) prosecutor,
- 12) Voivode,
- 13) Consul,
- 14) Chief of the Military Information Services;
- 15) Commandant in Chief of the Military Police

- inasmuch as it is necessary for performance of their statutory tasks.

2. The data processed in the "Pobyt System", in the register referred to in Article 124 Subparagraph 1 (k) as well as in the register of the fingerprints taken from an foreigner on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3) shall be made available upon a written request of the authority referred to in Paragraph 1, with the reservation that the request for making available the data processed in the register of the fingerprints taken from an foreigner to whom a decision on expulsion has been issued may also be submitted by the President of the Office for Repatriation and Foreigners.

3. The data processed in the "Pobyt System", in the register referred to in Article 124 Subparagraph 1 (k), as well as in the register of the fingerprints taken from an foreigner on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3) may be made available, without the necessity to submit the written request referred to in Paragraph 2, with the use of devices for data teletransmission, to the authorities referred to in Paragraph 1 which jointly fulfil the following conditions:

- 1) are in possession of devices for recording in the "Pobyt System" information on what data, by whom, when and for what purpose has been used;
- 2) are in possession of safeguards of technical and organisational nature which protect the data from being used contrary to the purpose for which they were obtained;
- 3) it is justified by the nature or the scope of tasks performed.

4. The authority obliged to run the registers referred to in Article 124 (1) (a)-(h), (j)-(l) and (2) and (3), as well as in Article 132 (2) (4)-(8) shall have access to the data which are processed in the „Pobyt System“, in the register referred to in Article 124 Subparagraph 1 (k) as well as in the register of the fingerprints taken from an foreigner on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3), and gathered in the registers run by this authority.

5. The data concerning the legal and factual basis for the entry in the list shall not be made available to the authorities referred to in Paragraph 1 (12) and (13).

6. The data processed in the "Pobyt System" shall be made available by the President of the Office for Repatriation and Foreigners. The data processed in the register referred to in Article 124 Subparagraph 1 (k) shall be made available by the Commanding Officer of the Voivodeship Police headquarters, the Commanding Officer of the Police district (powiat) or municipality, the Commanding Officer of the Border Guard Division and the Commanding Officer of the Border Guard checkpoint, each within the scope of his/her competences. The data processed in the register of the fingerprints taken from an foreigner on the basis of Article 14 (2), Article 93 (1), Article 98 (4) and Article 101 (3) shall be made available by the Commandant in Chief of the Police.

Article 134. The data contained in the "Pobyt System" may be transferred abroad pursuant to international agreements binding the Republic of Poland.

Article 134a. *Data of the foreigner, excluding data of citizens of the European Union member States, Member States of European Free Trade Association (EFTA) – parties to the agreement on European Economic Area or the Swiss Confederation, kept in the register pursuant to:*

(1) Article 128 (1) (1) and (2), excluding data of a foreigner, to whom the decision on obligation to leave the territory of the Republic of Poland has been issued,

(2) Article 128 (1) (3) and (6),

(3) Article 77 of the Act of 14 July 2006 on entering into the territory of the Republic of Poland, residence and departure from this territory of the EU Member States citizens and their family members (Dz.U. No 144, item 1043 and of 2007 No 120, item 818)

- shall be submitted to the Schengen Information System for the period of their storage in the register.

Chapter 12

Carrier's liability

Article 135. (1) The carrier which has brought an foreigner to the border by air or sea shall be obliged to undertake activities to ensure that the foreigner intending to enter the territory of the Republic of

Poland is in possession of a valid travel document and visa required for crossing the border and referred to in Article 13 (1).

(2)The obligation referred to in Paragraph 1 shall also apply to international carriers regularly transporting people overland, except for border traffic.

Article 136. (1) The carrier which has brought an foreigner to the border by air, sea or land shall be obliged to immediately take the foreigner back to the country from which he/she was transported to the border or - if it is not possible – to the country which issued the travel document on the basis of which he/she has travelled or to any other country to which he/she is certain to be admitted if:

- (1) the foreigner was refused entry into the territory of the Republic of Poland;
- (2) the foreigner transiting through the territory of the Republic of Poland was refused entry by the authorities of the country of destination or the country adjacent to the territory of the Republic of Poland or the carrier which should have carried the foreigner to that country refused to carry him/her.

(2)If the circumstances make it impossible for the carrier to fulfil the obligation referred to in Paragraph 1, the carrier shall be obliged to provide other means of transportation and to bear the cost thereof so that the foreigner can immediately leave the territory of the Republic of Poland.

Article 137. (1) The foreigner referred to in Article 136 (1) may be, by decision:

- (1) ordered to stay in a specific place until he/she leaves the territory of the Republic of Poland at the expense of the carrier;
- (2) ordered to leave the board of the aircraft or seagoing vessel;
- (3) ordered to leave the territory of the Republic of Poland on board aircraft or seagoing vessel other than the one by which he/she has arrived.

(2)The carrier referred to in Article 135 (1) shall cover the costs of the foreigner's stay in the territory of the Republic of Poland till he/she leaves the territory only if the foreigner does not possess a travel document and a visa, or has no permit to enter another country or to return to his/her country of origin, if such a permit is required. In other cases, the costs shall be covered by the State Treasury.

Article 138. (1) The carrier who has brought by sea or air into the territory of the Republic of Poland an foreigner who does not have the travel document required for crossing the border referred to in Article 13 (1) or who has no permit to enter another country or to return to his/her country of origin, if such a permit is required, shall be punished with an administrative fine equivalent to the amount between EUR 3,000 and EUR 5,000 for each person, with the reservation that the total amount of fines for a single transport of a group of people may not exceed the equivalent of EUR 500,000.

2.The provision of Paragraph 1 shall also apply to international carriers regularly transporting people overland, except for border traffic.

3.The euro (EUR) equivalent referred to in Paragraph 1 shall be converted into złotys (PLN) according to the average rate of exchange published by the National Bank of Poland on the date of rendering the decision on imposing the administrative fine.

Article 139. (1) Decisions in the cases referred to in Article 137 (1) shall be issued with the order of immediate enforceability by the competent Commanding Officer of the Border Guard checkpoint.

2.Decisions rendered by the Commanding Officer of the Border Guard checkpoint may be appealed against to the Commandant in Chief of the Border Guard.

3.At request of the Commanding Officer of the Border Guard checkpoint where the foreigner was refused entry, the administrative fine referred to in Article 138 shall be imposed by the Voivode competent for the seat of requesting authority.

Article 140. (1) If the behaviour of an foreigner who has been refused entry into the territory of the Republic of Poland gives a well-founded reason to suspect that he/she may cause a threat to the safety of international land, air or sea communication, the Commanding Officer of the competent Border Guard checkpoint shall guarantee an escort for the foreigner at the request of an authorised representative of the carrier and at the expense of the carrier.

2.The costs of the escort shall include the costs of carriage and of allowances due to the escort by virtue of an official trip abroad.

Chapter 13

The President of the Office for Repatriation and Foreigners

Article 141. 1. The President of the Office for Repatriation and Foreigners hereinafter called "the President of the Office" shall be the Central Authority of governmental administration competent for repatriation, the entry of foreigners into the territory of the Republic of Poland, the transit of foreigners through that territory, their residence and departure, granting the refugee status to foreigners, asylum, tolerated stay and temporary protection with reservation to the competencies of other authorities as provided for in the laws.

2. The Minister competent for internal affairs shall exercise supervision over the President of the Office.

Article 142. 1. The President of the Office shall be appointed by the Prime Minister among the persons included in the national staff resources, at request of the Minister competent for internal affairs. The President of the Office shall be recalled by the Prime Minister.

2. The Vice-Presidents of the Office shall be appointed by the Minister competent for internal affairs out of persons included in the national staff resources, at the request of the President of the Office. The Vice-Presidents of the Office shall be recalled by the Minister competent for internal affairs, at the request of the President of the Office.

3. The President of the Office shall perform the functions with the assistance of the Office for Repatriation and Foreigners, hereinafter referred to as "the Office", which shall be the authority of the governmental administration.

4. At request of the Minister competent for internal affairs, the Prime Minister shall confer, by ordinance, the statute of the Office, specifying the organisation of the Office, taking into account the scope of the functions of the President of the Office and the need of effective functioning of the Office.

5. The President of the Office may perform his functions using the Office branches.

6. The officers of the Border Guard, the State Fire Service and the Police may be delegated to work in the Office pursuant to the principles set forth in separate provisions.

Article 143. 1. The functions of the President of the Office shall be the following:

- 1) rendering the first instance decisions and rulings, as well as examining appeals and complaints to the rulings issued by other authorities of first instance concerning the matters regulated by:
 - a) this Act,
 - b) the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland;
 - c) the Act of 14 July 2006 on entering into the territory of the Republic of Poland, residence and departure from this territory of the EU member countries citizens and members of their families;
- 2) rendering decisions on granting permits to settle, referred to in Article 15 of the Act of 9 November 2000 on repatriation;
- 3) providing assistance to foreigners applying for refugee status in the scope and pursuant to the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland;
- 4) organising and carrying out trainings within the scope of competencies of the President of the Office;
- (4a) submission to the competent authorities of other Schengen states, via the Commandant in Chief of the Police, of information on the legal and matter-of-fact basis of entry for the purposes specified in Article 25 of the Convention of 19 June 1990 implementing the Schengen agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders;**
- 5) controlling the tasks specified by the Acts and listed in Subparagraph 1, carried out by Voivodes;

(5a) fulfilling the function of the Polish central visa authority;

- 6) providing the authorities of the European Union Member States with the information referred to in Article 62 (9) (1) and Article 71b (8);
- 7) providing the competent authorities of the European Union Member States, upon their request, with information on the residence of the foreigner referred to in Article 53 (1) (16), if he/she intends to continue or supplement studies taken up within the territory of the Republic of Poland;
- 8) performing of other functions regulated in this Act and in the separate regulations.

2. In cases regulated by Paragraph 1 (1), the President of the Office shall be the higher level authority with regard to Voivode, in understanding provided by the Code of Administrative Procedure.

Article 144. 1. The President of the Office, acting in consultation with the Commandant in Chief of the Border Guard, at request of the Consul, the Commandant Officer of the Border Guard checkpoint or ex officio, may authorise the entry and residence in the territory of the Republic of Poland of the foreigner who does not meet the conditions of entry and residence specified in this Act, if it is justified by the interest of the Republic of Poland. The provisions of the Code of Administrative Procedure and the complaint to the Supreme Administrative Court shall not apply to that authorisation, as well as to its rendering.

2. Every year, until 31 March, the President of the Office shall present the information to the Minister competent for internal affairs concerning the application of the provisions of Paragraph 1 in the previous year.

Article 145. The President of the Office shall use a round seal with the emblem of the eagle determined according to the pattern of the state emblem.

Article 146. If it is justified by a significant increase of the number of applications for granting the refugee status, referred to in the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, the Minister competent for internal affairs, acting in consultation with the Minister competent for public administration, may, by ordinance, establish and dissolve branches of the Office, specifying their territorial competence and the scope of activity, including the entitlement of the head of the branch to render the administrative decisions on authorisation of the President of the Office.

Chapter 14

Penal provisions

Article 147. Whoever takes for the purpose of appropriation or appropriates the foreigner's travel document, the residence card, the Polish travel document for an foreigner, the provisional Polish travel document for an foreigner or the Polish identity document for an foreigner, or uses such document, shall be liable to a fine, restriction of liberty or imprisonment for the period of up to 2 years.

Article 148. 1. Whoever:

- 1) resides on the territory of the Republic of Poland without the required authorisation,
- 2) in spite of the demand of the competent authorities does not present documents and permits authorising him/her to residence on the territory of the Republic of Poland or does not present the financial resources necessary to cover the costs of residence on that territory;
- 3) evades the obligation to exchange the residence card, the Polish travel document for an foreigner or the Polish identity document for an foreigner,
- 4) does not comply with the obligation to leave the territory of the Republic of Poland specified in the decision on expulsion rendered on the basis of Article 88(1),
- 5) does not comply with the obligation to report at specified intervals of time to the authority indicated in the decision on expulsion,
- 6) leaves the place of residence indicated in the decision on expulsion,
- 7) does not leave the territory of the Republic of Poland within the time limit specified in the decision on:
 - a) refusal or withdrawal of the residence permit for a fixed period,

- b) withdrawal of the permit to settle,
 - c) withdrawal of the residence permit for a long-term EC resident,
 - d) obligation to leave the territory of the Republic of Poland,
- 8) does not report, within the time limit referred to in Article 79 (1), the loss of the residence card, the Polish travel document for an foreigner or the Polish identity document for an foreigner,
- 9) does not return, within the time limit referred to in Article 79 (2), the found residence card, Polish travel document for an foreigner or Polish identity document for an foreigner, if he/she was issued a new one,
- shall be liable to a fine.
2. Ruling in the cases concerning the actions referred to in Paragraph 1 shall be carried out pursuant to the provisions of the Code of Procedure in Cases of Petty Offences.
3. The penal order rendered in the course of proceedings by writ of payment shall be immediately enforceable.

Chapter 15

Amendments in the regulations in force

Article 149. In the Act of 24 March 1920 on acquisition of the immovables by foreigners (Dz. U. of 1996 No 54, item 245, as amended) in Article 8 (1) (2) and (3 shall) read as follows:

- "2) acquisition of the immovables by an foreigner residing in the Republic of Poland for at least 5 years on a basis of the permit to settle,
- 3) acquisition of immovables by an foreigner married to the Polish citizen and residing in the Republic of Poland for at least 2 years on the basis of a permit to settle, if the immovables acquired will constitute by law the common property of spouses,".

Article 150. In the Act of 15 February 1962 on Polish citizenship (Dz. U. of 2000 No 28, item 353 and Dz. U. of 2001 No 42, item 475) after Article 17, Article 17a shall be added in the following reading:

- "Article 17a. 1. In the cases which remain within the competence of the Voivode and the President of the Office for Repatriation and Foreigners, those authorities may request the Commandant in Chief of the Border Guard, the Chief of the Internal Security Agency, the Chief of the Intelligence Agency and the Chief of the Military Intelligence, to present information necessary for the proceedings conducted.
2. The authorities requested to present information by the Voivode or by the President of the Office for Repatriation and Foreigners shall be obliged, within the time limit of 30 days, to make those information available within the scope necessary for the proceedings conducted.
3. In particularly justified cases, the time limit referred to in Paragraph 2 may be extended up to 3 months. This fact shall be notified to the Voivode or the President of the Office of Repatriation and Foreigners by the authority obliged to provide the information.
- "

Article 151. In the Act of 12 October 1990 on Border Guard (Dz. U. of 2002 No 171, item 1399 and Dz. U. of 2003 No 90, item 844 and No 113, item 1070) the following amendments shall be introduced: (amendments omitted).

Articles 152. In the Act of 6 July 2001 on gathering, processing and transmitting the criminal information (Dz. U. No 110, item 1189, as amended) the following amendments shall be introduced: (amendments omitted).

Article 153. In the Act of 27 July 2002 on principles and conditions of entry and residence of the European Union Member Countries citizens and their family members within the territory of the Republic of Poland (Dz. U. No 141, item 1180) the following amendments shall be introduced: (amendments omitted).

Chapter 16

Transitional and final regulations

Article 154. 1. The foreigner residing on the territory of the Republic of Poland continuously at least since the 1st January 1996, whose residence on this territory at the day of entry of this Act into force is illegal, who till 31 December 2003 submits the application for a residence permit for a fixed period, shall be granted that permit by the Voivode competent for the foreigner's place of residence. That permit shall be issued for the period of one year and only if it does not constitute a threat to the state security and defence as well as to the public security and order, the burden for a State budget and if it is not in breach of the interests of the Republic of Poland, provided that the foreigner:

- 1) indicates the place of accommodation, in which he/she intends to reside and present a legal title authorising him/her to occupy such place and
- 2) is in possession of a promise for work permit in the territory of the Republic of Poland or an employer's written declaration confirming intention to employ him/her or entrust with other gainful work or perform function in boards of legal persons carrying out economic activity if work permit is not required or
- 3) possesses income or property sufficient to cover the costs of his/her maintenance and medical treatment, as well as maintenance and treatment of members of his/her family supported by him/her, without the need to claim social assistance for the period of one year.

2. For the purpose of determining whether the foreigner's residence on the territory of the Republic of Poland is continuous, provisions of Article 64 (6) shall apply. 3. The foreigner who has submitted the application for a residence permit for a fixed period as well as the persons included in the application shall be issued, by a Voivode, a residence visa for the period necessary to complete the first instance proceedings on the residence permit for a fixed period.

4. Prior to issue of the decision on granting the residence permit to the foreigner whose data has been entered into the list of foreigners, the Voivode shall request – also the President of the Office - for information in the scope necessary to determine, whether the residence of the foreigner on the territory of the Republic of Poland constitutes a threat to state security and defence as well as to public security and order.

5. In a decision on refusal of the residence permit for a fixed period, the foreigner may be obliged to leave the territory of the Republic of Poland within the period indicated. To this decision the provisions regulating proceedings in cases of obligation to leave the territory of the Republic of Poland shall apply respectively.

6. If the foreigner leaves the territory of the Republic of Poland within the period indicated in the decision referred to in Paragraph 5, his/her data shall not be entered into the list of foreigners, unless it is justified by the state security and defence as well as by the public security and order.

Article 155. 1. If the foreigner who has stayed illegally on the territory of the Republic of Poland, reports this fact to the agency of Police or the Border Guard, within the time limit of 2 months from the date of entry of this Act into force, and leaves the territory of the Republic of Poland within the time limit specified in the decision on the basis of which he/she shall be obliged to leave that territory, his/her data shall not be entered into the list.

2. The provisions of Article 97 and Article 98 shall apply to rendering the decision referred to in Paragraph 1. **Article 156.** 1. The residence cards, the documents, permits and visas issued on the basis of existing provisions shall be valid for the period they were issued for.

2. The provisions of Paragraph 1 shall not apply to the residence cards and the documents issued to an foreigner, to whom the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland shall apply. 3. The forms of invitation, in which the period residence on the territory of the Republic of Poland of the foreigner invited is specified as the number of days, may be used till 30 October 2003.

4. The invitations issued on the forms referred to in Paragraph 3 shall remain valid till the day of accession of the Republic of Poland to the European Union, however no longer than their expiry date.

Article 157. Whenever the provisions in force refer to persons holding temporary residence card or permanent residence card, they shall be regarded as persons who have been granted the residence permit for a fixed period or the permit to settle, respectively.

Article 158. 1. The following provisions shall apply to the administration proceedings initiated before the date of entry of this Act into force and not completed with a final decision by this day:

- 1) in cases of visas - up to the completion of the proceedings in the second instance - according to the recent provisions;
- 2) in cases of residence permits for a fixed period and permits to settle - the provisions of the present Act;
- 3) in cases concerning the obligation of a foreigner to leave the territory of the Republic of Poland, on expulsion and on the fines imposed upon the carriers - the existing provisions, with reservation of the Article 138 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland;
- 4) in other cases - the provisions of the present Act.

2. The provision of the Paragraph 1(2) shall not apply to residence permits for a fixed period granted to foreigners with respect to whom the circumstances have arisen referred to in Article 17 (2) (7) and (8) of the Act of 25 June 1997 on Foreigners (Dz. U. of 2001, No 127, item 1400, as amended). **Article 159.** The foreigners' data contained in the list on the basis of existing provisions shall be stored for a period they were entered for.

Article 160. 1. The registers established on the basis of this Act may, within the period of 3 years from the entry this Act into force, be kept in a form other than the IT system.

2. The authorities, that keep the registers referred to in Article 124 (1), shall be obliged to mutual transmission of the data processed in those registers.

3. The President of the Office ensures that the data processed in the registers referred to in Article 124 (1) shall be made available in the proper manner. **Article 161.** The entries into the registers run on the basis of the provisions in force shall be regarded, at the date of entry this Act into force, as the entries to registers run on the basis of this Act.

Article 162. (repealed)

Article 163. The tasks referred to in Article 95 (3) shall be carried out until 31 December 2003 by the Commanding Officer of the Voivodeship Police headquarters competent for the foreigner's place of residence. **Article 164.** Until the executive provisions provided for in the Act are issued, not longer, however, than for the period of 12 months, the existing executive provisions shall remain in force, unless they are contrary to the present Act.

Article 165. 1. The provisions of the Article 3 Subparagraph 2, Article 32 (3), Article 57 (4) and Articles 135-140, within the scope relating to the land carriers, shall apply from the date of accession of the Republic of Poland to the European Union.

2. The provisions of Article 27 (3), Article 51 (3) and (4) shall be repealed at the date of accession of the Republic of Poland to the European Union.

Article 166. The following documents shall be repealed:

- 1) the Act of 25 June 1997 on foreigners (Dz. U. of 2001, No 127, item 1400, Dz. U. of 2002, No 41, item 365, No 74, item 676, No 81, item 731, No 89, item 804, No 141, item 1180 and No 153, item 1271, and Dz. U. of 2003, No 97, item 894 and No 101, item 942);

2) the Act of 11 April 2001 on the amendment of the Act on Foreigners and the amendments of some acts (Dz. U. No 42, item 475 and Dz. U. of 2002, No 25, item 253 and No 81, item 731).

Article 167. The Act shall come into force on 1 September 2003, with exception of Article 50 (3) and (4), Article 51 (3) and Article 162, which shall come into force on the day of the publication.