

Komenda Główna Straży Granicznej

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Outbreak of coronavirus - rules of entry and stay on the territory of the Republic of Poland

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Since June 13, 2020, there are no border controls at the internal borders with the Republic of Poland. This also means abolishing the quarantine obligation. The border can be crossed at any place both in the entry and exit direction from Poland. The restrictions, including restrictions on the entry of foreigners into Poland and quarantine, still apply at the external border.

Conditions of entry into Poland

At present, the external border in the direction of entry to Poland in accordance with the § 3 section 2 of the Regulation of the Minister of the Interior and Administration of 13 March 2020 *on the temporary suspension or restriction of border traffic at specific border crossing points* may only be crossed by the defined categories of travellers:

- citizens of the Republic of Poland,
- foreigners who are spouses of Polish citizens or remain under constant care,
- foreigners holding the Card of the Pole,
- heads of diplomatic missions and members of the diplomatic and consular staff of the mission, that is to say, persons holding diplomatic degrees and members of their families,
- foreigners having the right of permanent or temporary residence on the territory of the Republic of Poland, i.e.:
 - persons holding a residence card issued for the purpose:
 - temporary residence permit,
 - a permanent residence permit,
 - long-term resident's EU residence permit,
 - a permit to stay for humanitarian reasons,
 - refugee status,
 - granting subsidiary protection,
 - about the people who have:
 - a certificate of registering the residence of an EU citizen,

- the right of permanent residence of an EU citizen,
- permission to stay as a family member of an EU citizen,
- permission for permanent residence of a family member of an EU citizen;
- foreigners who have the right to work in the territory of the Republic of Poland and who simultaneously perform/are performing work in the territory of the Republic of Poland or during border control present documents which indicate that their work start immediately after crossing the border.
- [belonging to this category of persons should present during border control documents confirming that the foreigner currently has access to the national labour market and currently benefiting from this access, i. e. he/she works in Poland or does business in our country. Depending on the category of foreigner, these will be the following types of documents:](#)
 - [in the case of third-country nationals who are required to have a work permit - work permit, seasonal work permit, certificate of entry in the register on seasonal work, statement on entrusting work to a foreigner on the territory of the Republic of Poland or permit belonging to the category of uniform permits, such as e. g. temporary residence and work permit;](#)
 - [in the case of foreigners entitled to perform work on the same conditions as Polish citizens - these are, among others, foreigners specified in article 87 section 1 points 1 - 11 of the Act of 20 April 2004 on employment promotion and labour market institutions \(e. g. European Union citizens\)- e. g. employment contracts, civil law contracts confirming the validity of cooperation with the entity;](#)
 - [in the case of foreigners performing work in the territory of the Republic of Poland on the basis of secondment - these should be documents confirming the fact of secondment to the territory of Poland, indicating the specific entity to which they were delegated;](#)
 - [in the case of foreigners exempted from the obligation to have a work permit - documents constituting the basis for this exemption, including contracts confirming work performance;](#)
 - [in the case of foreigners conducting business activity on the territory of Poland or performing a function in the management board of a legal person -](#)
e.g. an extract from the National Court Register or the articles of association.
- foreigners who operate a means of transport for the transport of persons or goods and their journey takes place as part of professional activities involving the transport of goods or transport of persons;
- drivers engaged in carriage by road in the context of international road transport or international combined transport operations within the meaning of art. 4 points 2 and 14 of the Act of 6 September 2001 *on road transport* (Journal of Laws of 2019, item 2140 and of 2020, item 875) travelling in transit through the territory of the Republic of Poland by means of transport other than the vehicle by which road transport is carried out:
 - in order to take the rest referred to in Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulation (EEC) No 3821/85 and (EC) 2135/98, as well as repealing Council Regulation (EEC) No 3820/85 (OJ L 102,

- 11.04.2006, p. 1, as amended 2)), in the territory of the country of stay,
- after collecting the rest referred to in the Regulation mentioned above, and after a break in the performance of work in the circumstances indicated in art. 31 section 1 of the Act of 16 April 2004 *on working time of drivers* (Journal of Laws of 2019, item 1412);
 - nationals of Member States of the European Union and of the European Free Trade Agreement (EFTA) - Parties to the Agreement on the European Economic Area or the Swiss Confederation and their spouses and children;
 - foreigners holding a permanent residence permit or a long-term resident's European Union residence permit, on the territory of other Member States of the European Union, a Member State of the European Free Trade Agreement (EFTA) - Parties to the Agreement on the European Economic Area or the Swiss Confederation and their spouses and children, in order to travel through the territory of the Republic of Poland, to their place of residence or stay;
 - students studying in the Republic of Poland, after having been documented to a Border Guard officer, learning in the Republic of Poland;
 - students, participants in post-graduate studies, specialist education and other forms of education, as well as doctoral students studying in the Republic of Poland, after having documented their education in the Republic of Poland to a Border Guard officer.
 - [of specialist education are participants of colleges in which specialist education lasts no less than 3 semesters and allows to obtain a full qualification at level 5. Polish Qualification Framework \(at 5. the level of qualification shall be a diploma of graduation from a teacher's college, a diploma of graduation from a teacher's college of foreign languages, a diploma of graduation from a college of social workers\)](#).
 - [in other forms of training e.g students of part-time studies, including studies conducted on-line, participants of preparatory courses to study in Polish, language courses conducted by universities. The term refers only to education in the higher education system.](#)
 - scientists conducting research or development works in the Republic of Poland, having documented to a Border Guard officer the conduct of scientific research or development works in the Republic of Poland; [specialists in a specific field of science employed in a scientific position at a university, college or research institute, who carry out research work on selected issues.](#)
 - aircraft passengers within the meaning of art. 2 point 1 of the Act of 3 July 2002 - *Aviation Law* (Journal of Laws of 2019, item 1580 and 1495 and of 2020, item 284) performing an international flight from an airport located on the territory of: Montenegro, Georgia, Japan, Canada, Republic of Albania, Republic of Korea - their entry to the territory of the Republic of Poland is based on verification of conditions of entry and stay specified in the Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016 *on the EU Code rules governing the movement of persons across borders (Schengen Borders Code)* or in the Act of 12 December 2013 *on Foreigners*.

Persons who do not meet at least one of the above conditions do not currently have the right to enter the territory of the Republic of Poland.

In particularly justified cases ([mainly due to humanitarian reasons](#)), the commanding officer of

the Border Guard Post, after obtaining the consent of the Commander-in-Chief of the Border Guard, may allow foreigners who do not meet the entry requirements set out in the Regulation of the Minister of Internal Affairs and Administration of March 13, 2020 *on temporary suspension or restriction of border traffic at specific border crossing points*, to enter the territory of the Republic of Poland.

The decision on permitting entry is made each time by the commanding officer of the Border Guard Post during the border check, after the necessary control and verification activities have been carried out, in particular after verification of the documentation submitted by the foreigner.

This means that a foreigner cannot apply for such a permit earlier.

Special solutions for foreigners

The provisions of the Act of March 2, 2020 *on special arrangements for preventing, counteracting and combating COVID -19, other infectious diseases and crisis situations caused by them*, introduced a number of special legal solutions aimed, inter alia, to sort out problems related to, among others with the legality of foreigners' residence on the territory of the Republic of Poland after the declaration of the state of epidemic emergency. These solutions include:

- extension by law of the periods of validity of temporary residence permits expiring during the period of state of epidemic emergency or state of epidemic – until the end of the 30th day following the date of cancellation of one of the above-mentioned states, whichever was in force last (art. 15zd section 3 of the Special Act); [holders of national visas retain the right to cross the state border and stay in the territory of the Republic of Poland during the period when the state of emergency or state of epidemic is in force, as well as for a period of 30 days after the last state is recalled](#);
- extension by law of periods of stay and periods of validity of national visas in cases where the last day of the period of stay on the basis of such visas would fall within the period of state of epidemic emergency or state of epidemic – until the end of the 30th day following the date of cancellation of one of the above-mentioned states, whichever was in force last (Article 15zd section 1 of the Special Act);
- recognition as legal by law the residence of foreigners on the territory of the Republic of Poland in cases where, on the day from which the state of epidemic emergency was announced in connection with SARS-CoV-2 virus infections was first declared, they were staying on that territory on the basis of short-term residence titles , i.e.:
 - a. under the visa-free regime,
 - b. on the basis of Schengen visas issued by Polish authorities,

- c. Schengen visas or long-term visas issued by other Schengen states,
- d. residence permits issued by other Schengen states,
- e. long-term visas or residence permits issued by Member States of the European Union which are not countries of the Schengen areas (when, according to the law of the European Union, such visas or documents entitle to stay in the territory of the Republic of Poland,

- from the day following the last day of legal residence resulting of these titles until the expiry of the 30th day following the date of cancellation of the state of epidemic emergency or state of epidemic, whichever was in force last (Article 15z1 section 1 of the Special Act).

The above provision (Article 15z1) has effect only with the respect to the abovementioned documents the holders of which were on the territory of the Republic of Poland on the day on which the first declaration of the state of epidemic emergency was announced connected with SARS-CoV-2 virus infection and is not tantamount to the prolongation of any of the above-mentioned visas or documents or extension of authorised stay under visa-free regime.

The use of this legal basis for stay in the territory is in no way conditional on the submission of any applications, issuing permits or documents, and no administrative decision is issued for this effect to occur. There is no need to obtain a visa extension under the provisions of the Act on Foreigners.

- extension by law of the periods of validity of work permits and seasonal work permits, as well as periods of permitted work on the basis of declarations of entrusting work to a foreigner, entered in the register of declarations - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15zzq of the Special Act);
- enabling changes in the conditions of work performed by foreigners specified in work permits, seasonal work permits, declarations on entrusting work to a foreigner, entered in the register of declarations, temporary residence and work permits, temporary residence permits for the purpose of performing work in a profession requiring high qualifications, temporary residence permits for the purpose of work under an intra-corporate transfer or temporary residence permits for the long-term mobility of a managerial staff member, specialist or trainee employee, as part of an intra-corporate transfer, as well as in the documents attached to the notice of intention to use from the short-term mobility of a managerial staff member, specialist or trainee employee, within the framework of an intra-corporate transfer - if this change is a result of the entity which entrusts the work (or the host entity with its registered office in the territory of the Republic of Poland) with individual powers aimed at protecting jobs in crisis conditions and preventing the spread of SARS-CoV-2 virus, regulated in art. 3, art. 15g section 8, art. 15x section 1 and art. 15zf section 1 of the Special Act (Article 15z5 of the Special Act);
- providing access to seasonal work within the meaning of art. 88 section 2 of the Act of 20 April 2004 *on employment promotion and labour market institutions* (Journal of Laws of 2019,

item 1482, as amended) for foreigners who in the period following March 13, 2020 had access to the Polish labour market on the basis of a work permit, seasonal work permit, prolongation of the work permit, prolongation of the seasonal work permit or statement on entrusting work to a foreigner, entered in the register of statements - in the period of state of epidemic emergency or state of epidemic and in the period of 30 days immediately following the cancellation of the last of the states;

- extension by law of the periods of validity of residence cards falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15z2 section 1 of the Special Act); [a foreigner is entitled to use the document they hold as valid despite the expiry date specified therein. This means that holders of such documents retain the right to cross the state border](#);
- extension by law of the periods of validity of Polish foreigner's identity documents and documents confirming the possession of a permit for tolerated stay (*tolerated stay permit*) until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15z6 sections 3 and 5 of the Special Act);
- extension by law of the periods of validity of documents issued for a limited period of time issued to citizens of the Member States of the European Union and of the European Free Trade Association (EFTA) - Parties to the contract on the European Economic Area or the Swiss Confederation and their family members who are with them or who join them, i.e. documents confirming the right of permanent residence, residence cards of an EU citizen's family member and permanent residence cards of an EU citizen's family member, falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15z6 section 1 of the Special Act);
- extension by law of the deadlines for submitting an application for a temporary residence permit, permanent residence permit, long-term resident's EU residence permit, for visa extension or for extension of stay as part of visa-free regime falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15z of the Special Act);
- extension by law of the dates of leaving the territory of the Republic of Poland resulting from art. 299 section 6 of the Act of December 12, 2013 on Foreigners (Journal of Laws of 2020, item 35) falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (Article 15zza of the Special Act);
- extension by law of the periods of voluntary return defined in the decisions on imposing the return obligation, falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the states, whichever was in force last (art. 15zzzb of the Special Act);
- extension by law of the periods of validity of temporary foreigner's identity certificates (known as TZTC) falling within the period of state of epidemic emergency or state of epidemic - until the end of the 30th day following the date of cancellation of one of the

states, whichever was in force last (Article 15z3 section 1 of the Special Act).