

Act on Aliens

of 13 June 2003

(Journal of Laws of 2003, No 128, it. 1175)

(...)

Chapter 3

Visas

(...)

Art. 33

1. The residence visa may be issued to an alien, despite of the circumstances that justify the refusal of the visa, if:

- 1) provisions of the Polish law require that he / she 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 alien on the territory of the Republic of Poland has occurred;
- 4) it is required by the interest of the Republic of Poland.

2. The visa referred to in sec. 1 p. 1 -3 shall be issued for the period of residence necessary to realise the purpose of its issue. In any case such a visa may not be issued for the period exceeding 3 months.

(...)

Chapter 4

The residence permit for a fixed period

Art. 53

1. The residence permit for a fixed period shall be granted to an alien, who:

1) obtained a promise to issue the work permit or prolongation of such a promise or an employer's written declaration confirming intention to employ an alien if work permit is not required and demonstrates that he / she will possess financial means necessary to cover the costs of residence on the territory of the Republic of Poland;

2) carries out an economic activity in conformity with the regulations of the law in force in the Republic of Poland, which is beneficial to the national economy and in particular, contributes to the development of investments, transfer of technology, innovations or job creation and will demonstrate that he / she possesses financial means necessary to cover the costs of residence on the territory of the Republic of Poland;

3) being a person whose achievements in the field of arts has been estimated, intends to continue a creative activity in the territory of the Republic of Poland;

4) participates in training and vocational training effected under programs of the European Union;

5) intends, as a family member, to accompany a migrating worker referred to in the European Social Chart, done at Turin on 18th October 1961 (J. L. 1999, No 8, it.67);

6) is a spouse of a Polish citizen;

7) intends to arrive on the territory of the Republic of Poland for the purpose of family reunification, and meets conditions referred to in art. 54;

8) resides on the territory of the Republic of Poland together with the alien, to whom he/she has arrived for the purpose of family reunification, if he/she has entered this territory in connection with granting the permit on the basis of p. 7.

9) is a minor, born on the territory of the Republic of Poland, child of an alien possessing a residence permit for a fixed period if circumstance, on which he/she applies for this permit justifies his/her residence within the territory of the Republic of Poland for the period exceeding 3 months.

2. An alien referred to in sec. 1 p. 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, covered or purchased its shares, shall be granted the residence permit for a fixed period only if he/she demonstrates that operation of this company or partnership meets conditions referred to in sec. 1 p. 2.

3. The residence permit for a fixed period may be granted to an alien, who:

1) demonstrates that due to the circumstances other than referred to in sec. 1, his/her residence on the territory of the Republic of Poland is justified within the period exceeding 3 months and that he/she possesses financial means necessary to cover the costs of residence on this territory.

2) intends to take up or to continue studies on the territory of the Republic of Poland, if he/she confirms it with a certificate of admission to studies, issued by the institution appropriate for his/her studies, and demonstrates that he/she has the financial means necessary to cover the cost of his/her studies and maintenance without the need to claim social assistance.

4. It shall be presumed that an alien possesses financial means referred to in sec. 1 p. 1, 2 and sec. 3 p. 1, if its amount is sufficient to cover the costs of accommodation, maintenance and medical assistance of that alien as well as of his/her family members dependent on him/her, without the need to claim social assistance.

(...)