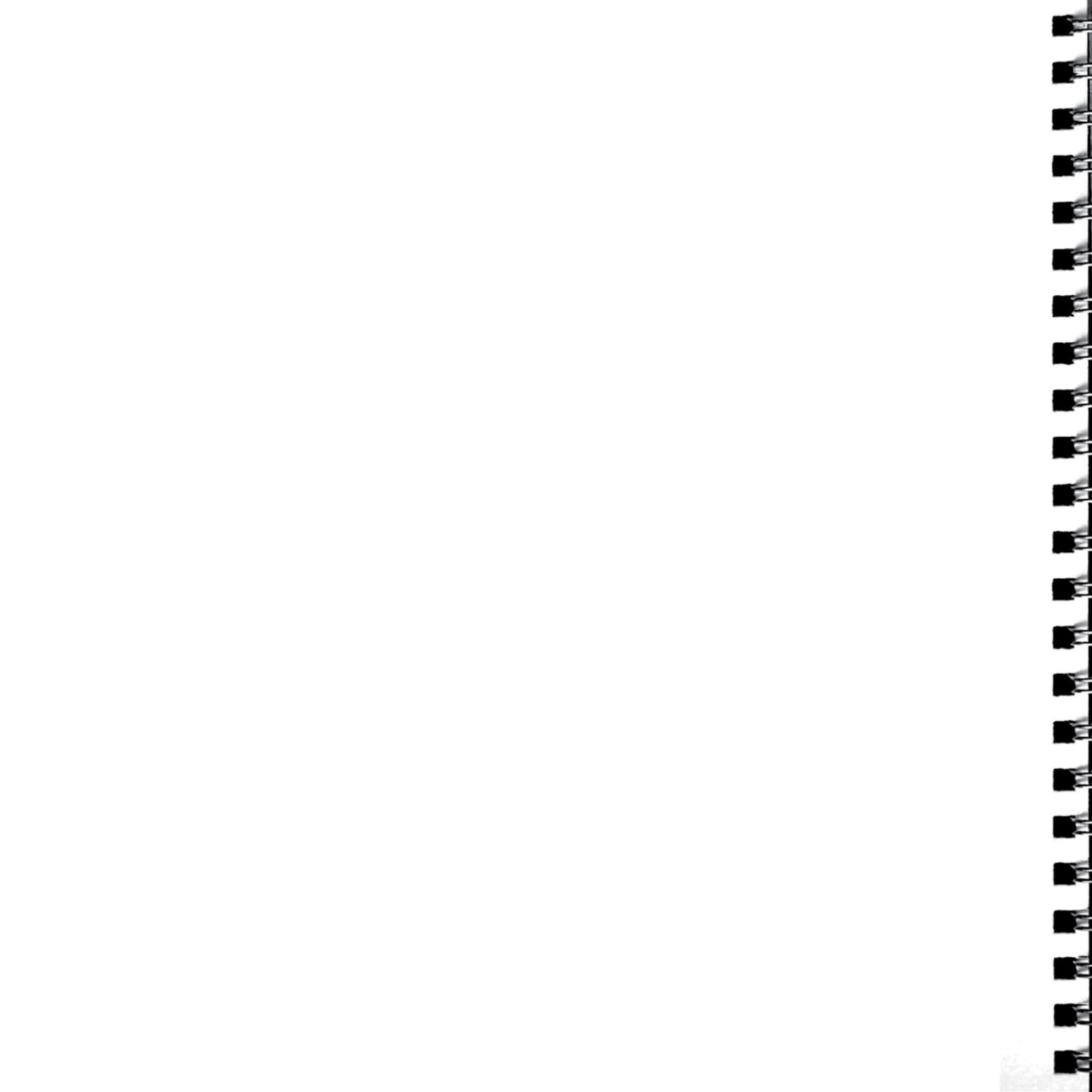


WELCOME TO POLAND!



The Rule of Law Institute Foundation
Lublin 2014





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The Rule of Law Institute Foundation
Lublin 2014



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CONTENTS:

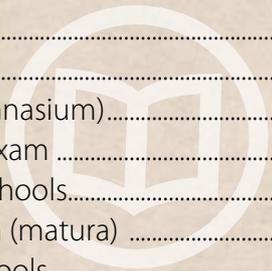
Preface..... 5

1. Doctor 6



- 1.1. Health insurance 7
 - 1.1.1. Compulsory insurance 8
 - 1.1.2. Voluntary insurance 8
 - 1.1.3. Travel medical insurance 11
- 1.2. Free health care 12
 - 1.2.1. Foreigners entitled to free health care benefits on an equal footing with polish citizens 12
 - 1.2.2. Family doctor 12
 - 1.2.3. Medications 13
 - 1.2.4. Treatment by a specialized doctor 13
- 1.3. Paid treatment in Poland 14
- 1.4. Hospital treatment 15

2. Education 16



- 2.1. Nursery school 19
- 2.2. Primary school 20
- 2.3. Middle school (gymnasium) 21
 - 2.3.1. Gymnasium exam 22
- 2.4. Post-gymnasium schools 23
 - 2.4.1. Maturity exam (matura) 24
- 2.5. Post-secondary schools, vocational schools for adults 25
- 2.6. Institutions of higher education 26
 - 2.6.1. Polish language course 29

3. Family 30

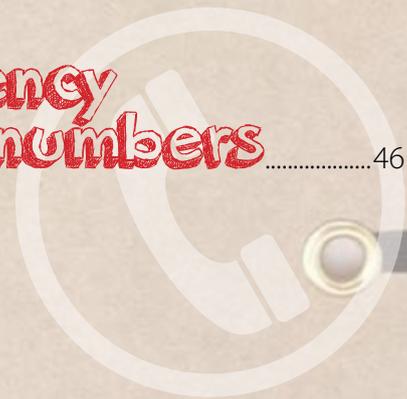


- 3.1. Foreigners getting married in Poland 31
 - 3.1.1. Religious marriage with civil marriage consequences 33
- 3.2. Newborn registration 34
- 3.3. Baby bonus 37
- 3.4. Obtaining PESEL (national identification number) 38

Important addresses 40



Emergency phone numbers 46





TRENOW

PREFACE

Welcome to Poland! We would like you and your family to feel good and confident in our country. That is why we have created a short guide to the most important, in our opinion, areas of life – you will find the most important information on access to health care in Poland, you will learn how the education system looks like and will get to know what are the basic rights and obligations of your family.



1. DOCTOR



1.1. HEALTH INSURANCE

In Poland, you can use public health services if you have health insurance in the National Health Fund (NFZ). Having health insurance entitles you to receive free medical care, specialist consultations, diagnostic tests, hospital treatment, medical rehabilitation and sanatorium treatment. (Waiting to see a doctor or specialist for diagnostic testing in the context of insurance may take some time, so in case of emergencies take advantage of private medical services. Nevertheless, you have to reckon with the fact that they will always be paid.)

If you are insured in the NFZ, the following health benefits are available for you completely free of charge:

- 1) primary health care;
- 2) ambulatory care;
- 3) hospital treatment;
- 4) mental health care and substance abuse treatment;
- 5) medical rehabilitation;
- 6) nursing and care services within the framework of long-term care;
- 7) dental treatment;
- 8) spa treatment;
- 9) the supply of medical devices and their repairs referred to in the Reimbursement Act;
- 10) emergency medical services;
- 11) palliative and hospice care;
- 12) highly specialized services;
- 13) health programs;
- 14) medication, foodstuffs for particular nutritional uses and medical products available in the pharmacy on prescription;
- 15) medication programs specified in the Reimbursement Act;
- 16) chemotherapy drugs specified in the Reimbursement Act;
- 17) medications without authorization to the Polish market, imported from abroad, provided that in relation to these drugs has been issued a decision on refund under the Reimbursement Act;
- 18) foodstuffs for particular nutritional uses imported from abroad, provided that in relation to these stuffs has been issued a decision on refund under the Reimbursement Act.

1.1.1. COMPULSORY INSURANCE

Polish law obliges certain groups of people to take out private health insurance. These include: people performing work under a contract of employment, an agency contract, a contract of mandate or other agreement for the provision of services; the clergy, outworkers, people receiving pension, persons engaged in non-agricultural activities, or persons cooperating with them, excluding persons who suspended the economic activity.

If you are working, your employer will report you for health insurance. If your family members are on the territory of the Republic of Poland with you, the insurance will cover these individuals as well. This does not apply to family members who have the NFZ insurance on a different basis.

The obligation of insurance is considered to be fulfilled if you applied for health insurance and paid insurance contribution.

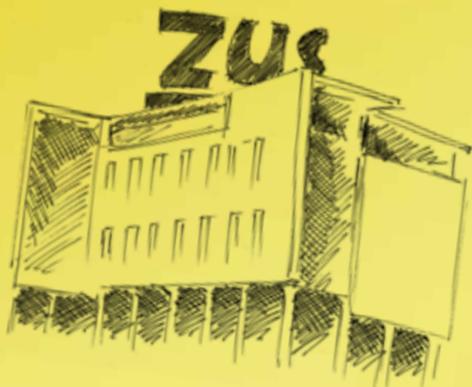
1.1.2. VOLUNTARY INSURANCE

In Poland, there is a possibility to buy a private health insurance. Usually people who insure themselves voluntarily are running their own non-agricultural economic activities. In this case the insured person alone pays health insurance contributions (till the 15th day of the following month for the previous month), which authorizes him/her to use free treatment. To insure voluntarily you must submit a written application for insurance in the NFZ.

Documents confirming possession of health insurance:

Currently in Poland there is an opportunity to confirm possession of health insurance in three different forms:

-  by generating an electronic document using the system of Electronic Verification of Beneficiaries Eligibility (EWUŚ);
-  presentation of one of the existing paper documents confirming the right to health care services (e.g., printing RMUA ZUS);
-  the declaration of the right to health care.



If you go to the hospital clinic or other medical facility, your possession of insurance will be verified on the basis of your national identification number PESEL (if you have one). If you do not appear in the EWUŚ system or the result of verification on the basis of your PESEL turned out to be negative, you should submit a paper document confirming the right to health care services. In the case of absence of such a document, you should submit a statement of your right to health care services. Remember that making a statement that is untrue or the use of a document confirming insurance to which you have no right will result in the obligation to pay for all health care services received.

When reporting to the medical facility you must also present an identity document. This could be your passport, residence card,

driving license, and if you are under the age of 18 – school ID. The identity of a child under the age of 6 is confirmed by parents or statutory representatives by submitting a relevant statement.

Depending on the kind of insurance you have, paper documents confirming possession of health insurance are:



**if you are employed
under an employment contract:**

- ✓ application form for health insurance (ZUS ZZA) and currently certified monthly report ZUS RMUA issued by the employer;
- ✓ current certificate from the employer;
- ✓ insurance card with the current inscription and stamp of the employer (refers to persons who have acquired such card before 1 January 2010).



if you run a business:

- ✓ application form for health insurance (ZUS ZUA) and current confirmation of payment of health insurance premiums;
- ✓ ZUS certificate confirming the application for insurance and paying insurance premiums for running the business.

if you are unemployed:

- ✓ current certificate from the labor office confirming the application for health insurance.

if you are voluntarily insured:

- ✓ NFZ agreement and the application form for health insurance (ZUS ZZA) with current confirmation of payment of health insurance premiums and in the case when a family member is notified – application form for a family member insurance (ZUS ZCNA/ ZUS ZCZA).

if you are a pupil or a student:

- ✓ valid pupil/student ID and documents, such as for the other members of the family.

if you have been reported to the insurance as a family member of the insured:

- ✓ confirmation of payment of health insurance premiums by the person who reported family members to health insurance along with a photocopy of the application (forms: ZUS RMUA + ZUS

ZCNA if notification had been made after 1 July 2008; ZUS ZCZA if the application had been made before 1 July 2008.);

- ✓ a recent certificate issued by the employer;
- ✓ family pass with entered data of the family members, along with the current date and stamp of the employer or the Social Insurance Institution (ZUS).

In the case of children who are at least 26 years of age and have a significant degree of disability are supposed to present the relevant document (it is important that these children may be reported to insurance by a parent, regardless of age and student status).

If you are staying on the territory of Poland and do not have health insurance, you have to reckon with the fact that for every consultation with a doctor, treatment, medical examination and other medical services you will have to pay. Uninsured pregnant foreigners are not entitled to any free health services except those that are provided by an emergency medical team.

However, there are health benefits that are free of charge for all foreigners, regardless of whether they are insured or not. These are:

- ✓ treatment provided to fight infections and infectious diseases and causally related to such infections and diseases;
- ✓ medical service in the field of mental health care for mentally ill or mentally retarded;
- ✓ medical service in the field of addiction treatment for people addicted to alcohol or drugs.

If you have the Pole's Card and you do not have health insurance, you are entitled to free medical care services in cases of emergency. This right does not cover the EU citizens who are covered by the EU legislation.

1.1.3. TRAVEL MEDICAL INSURANCE

If you are in Poland on the basis of Schengen visa or a national visa and you do not have a NFZ insurance, travel medical insurance policy also entitles you to free medical services on the territory of our country. Such a policy can be bought from the insurer that offers the possibility to buy travel medical insurance with a minimum amount of insurance of EUR 30 000. The agreement with the insurer will determine free medical services you can use.

1.2. FREE HEALTH CARE

The possibility of free access to health care depends primarily on the legal residence in the territory of EU Member States and the European Free Trade Area. Not having the documents entitling to legal stay makes it impossible to use such care.

1.2.1. FOREIGNERS ENTITLED TO FREE HEALTH CARE BENEFITS ON AN EQUAL FOOTING WITH POLISH CITIZENS

Citizens of countries such as Albania, Bosnia and Herzegovina, Montenegro, Russian Federation and Serbia, who do not have a document that confirms possession of health insurance or travel insurance – on the basis of bilateral agreements with Poland can take advantage of essential health care services if there is a sudden illness or threat to the state of life or health. This option can be used when the special circumstances occur. Examples are: the destruction of the policy or the inability to recover the cost of treatment from the insurance company. In this case the Polish Ministry of Health covers medical expenses

1.2.2. FAMILY DOCTOR

In order to start free treatment you should choose a family doctor or so called primary care physician. The best solution is to choose a doctor working in a clinic located in your neighborhood or in one that offers medical services tailored to the needs of your family. In the same clinic you can also choose a nurse and midwife, who will, if necessary, provide medical care for you.

You will always be able to come to this chosen clinic when you need basic medical attention or if you are ill. After identifying the causes of your discomfort, your family doctor may prescribe certain medications or direct you to medical examination.

In case of an emergency, you can go at any time of the day (even on work-free days or at night) to a doctor who is on duty in your clinic. However, not every clinic conducts such activities. For a list of where you can get help from a doctor on duty go to **www.nfz.gov.pl**.

If, however, there was a sudden deterioration in health condition, there was an accident or life-threatening condition notify the emergency room. You will receive ambulatory care and if necessary will be taken to a hospital to start hospital treatment.

1.2.3. MEDICATIONS

Basic medicines you can always get at the pharmacy, but some medications in Poland (especially those for specialized treatment) are not available for all patients. They can be bought only on prescription given by a family doctor or specialized doctor.

1.2.4. TREATMENT BY A SPECIALIZED DOCTOR

In some cases, the family doctor will not be able to conduct treatment, as this will require professional help from a specialist. In such a situation, a family doctor will write a referral, which will entitle you to register with a specialized doctor working in the relevant specialist clinic. Referral

usually is valid until the reason for consultation lasts or specialist treatment is required. There are, however, three exceptions when a referral is valid only for a limited time:



referral for a spa treatment is valid for the next 18 months from the date of issue;



referral to a rehabilitation clinic is valid for the period of 12 months from the beginning of treatment;



referral to a mental hospital expires after 14 days from the date of issue.

Remember that on the basis of a referral, you can register in only one facility providing services in a particular field.

The use of the services of specialized doctor is dependent on having a referral issued by the family doctor. There are however experts to whom you can go without having that document. They are doctors specializing in:

- ✓ gynecology
- ✓ dentistry
- ✓ dermatology
- ✓ venereology
- ✓ oncology
- ✓ ophthalmology
- ✓ psychiatry

No referral is also required if you need treatment for developing active tuberculosis or HIV infection. War invalids, repressed people, people dependent on alcohol, narcotics and psychoactive substances also do not have to submit a referral if medical care refers to treatment for drug addiction.

⋮ During the first visit, a doctor will determine
⋮ further treatment adequately to diagnosed
⋮ symptoms or you will get a referral to another
⋮ doctor or hospital treatment.
⋮
⋮
⋮
⋮

1.3. PAID TREATMENT IN POLAND



In addition to clinics that provide free medical care for insured persons, there are establishments providing paid treatment. All services in a private clinic (medical examination, laboratory tests, etc.) are calculated and payable after each visit. Some private clinics have signed a contract with the National Health Fund (NHF). This means that among the services offered by them are those that will be reimbursed by the state and you will not have to pay for them if you are insured under health insurance in the NHF. The provision of free medical services in these facilities takes place on the basis of a referral from your family doctor (GP).

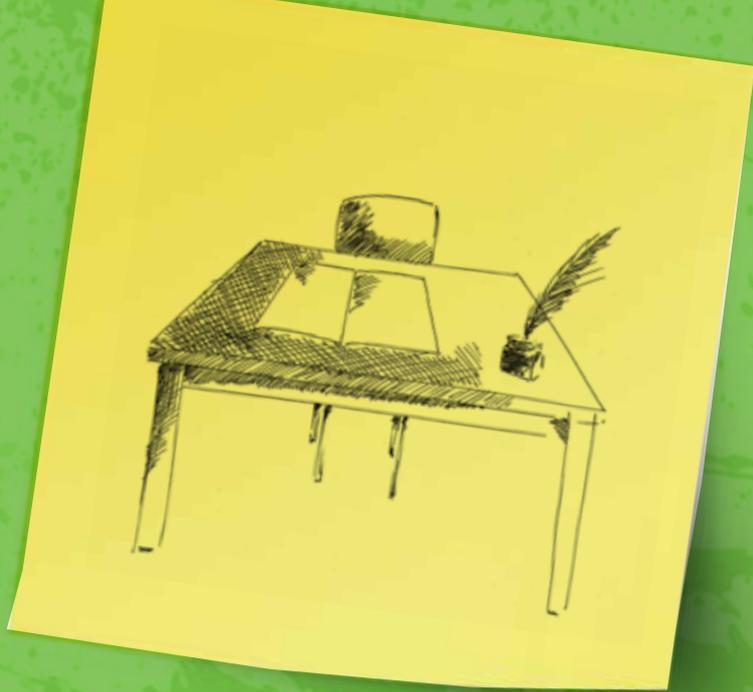
1.4. HOSPITAL TREATMENT

In case you need hospital treatment, to be admitted to the facility it is necessary to present a doctor's referral. The referral should indicate the branch where you will be covered with medical care. During your stay in the hospital, you will not have to pay for the medicines, medical examinations and treatments.

: In the case of sudden illness, injury, poisoning, accident, life-threatening condition you should immediately go to the hospital without showing a referral for treatment.



If you need transportation to the hospital, call an ambulance by calling 999 or 112. Transportation is free of charge. If you are able to make your own way to the hospital, report to the emergency department (ED). Here you will receive first aid.



2. EDUCATION



Every child has the right to education. In Poland, this right is guaranteed by the introduced compulsory schooling. Reform is currently being carried out pursuant to which:

 in 2015 to first class will go six years old children born in the first half of 2008, while from 2016 every six-year old child will march to school.



If you have a 5-year-old child, you must remember that you need to sign them to the nursery school.

Not fulfilling the obligation to send a child to nursery school can result in certain penalties – payment of a fine or even deprivation of parental rights.

Compulsory education of the child starts at the beginning of the school year in the calendar year in which the child turns 6 years of age and lasts until the completion of gymnasium, however no longer than until 18 years of age. Lessons are held in schools five days a week, Monday to Friday. On Saturdays and Sundays children have no lessons – these are days off.

Compulsory education obligation exists regardless of whether the child is legally in Poland or not, and irrespective of the extent to which he/she speaks Polish.

In addition, foreign children have the right to additional compensatory classes during the first year of the course. These classes shall be determined by the teacher conducting lessons. They are fully free of charge and can be either individual or group.

The school year is divided into two semesters – the first begins in September and ends in January. The second begins after the short winter

holidays and ends in June. Then the children get school certificate – a document certifying successful completion of study in a class that contains the final evaluation.

Kindergartens as well as primary and secondary schools in Poland can be public or private. In public schools children of foreigners study under the same conditions as Polish nationals – meaning totally for free. Going to private school involves payment of tuition fee for every child, regardless of nationality.

Education in public schools is generally free of charge, which means that there is no payment for the tuition. However, at each stage of education you must expect to incur certain costs, like:

- ✓ purchase of textbooks – **a novelty from the school year 2014/2015 are free textbooks for pupils in first grade of primary school.** The others must purchase textbooks on their own. Buying new books will cost about 200-300 PLN, so check the possibility of redemption used books from students from an older classes.
- ✓ purchase of layettes – shoes to change in school, backpack, pencil case, pens, notebooks are just a few of the elements nec-

essary for each stage of education. It is also the expense of a few dozen or even few hundred PLN.

- ✓ shoes to change, clothing for sports classes – in most schools is mandatory to change shoes. A separate outfit also applies to physical education classes.
- ✓ insurance - at the beginning of the school year an accident insurance must be paid (so called NNW). It is mandatory. On the basis of this insurance, after the treatment, you can apply to the insurance company for a certain amount of compensation.

There still is a number of additional expenses that must be included in the family budget – contribution for the council of parents or class contribution, school trips and so on. These fees are usually voluntary.

Remember, that parents have an obligation to provide food to their children. In some schools operate canteens where you can buy lunch, but usually you need to prepare a meal for children (sandwiches and drinks).

You may also check what are possible fee waivers and subsidies in the school. In some schools operate special aid funds, which can finance the purchase of textbooks or participation in school trips. These funds are created for poor people, regardless of nationality or residence basis.

Primary and middle schools operate according to a zoning principle. This means that children residing in the perimeter of the school have a guaranteed place in it. You can of course choose a different school, but in such cases the schools themselves determine the ways and terms of recruitment. To find out to which school your child is “assigned”, you should turn to the municipality office.

2.1. NURSERY SCHOOL

Children aged 3 to 6 years may attend to kindergartens, but only for five-year old children it is compulsory – children are on so called pre-primary year. This obligation starts with the beginning of the school year in the calendar year in which the child turns five years of age.

In particularly justified cases, preschool education may also cover a child who turned 2.5 years of age.

The municipality should provide adequate capacity in the nursery school – but only for children, for whom it is compulsory. Next group taken is the children of mothers or fathers raising them alone, mothers or fathers, to whom the sentence was issued on significant or moderate degree of disability or total incapacity for

work and the inability to live independently as well as children placed in foster families. This means that in practice very often for younger children there are no places in nursery schools.

The report of such a child to kindergarten, pre-school branch of primary school or other form of pre-school education is the responsibility of parents. The kindergarten statute defines detailed rules for the recruitment of child to kindergarten, so it is important to find out when the recruitment starts and on what basis is it carried out.

Nursery provides care for our toddler for not less than five hours a day. For a longer stay, the municipal council may set charges. The fee for each additional hour of childcare is most often

no more than 1 PLN. This means that if we want to keep our child in kindergarten 8 hours a day, we have to be prepared for the expense approx. 60 PLN per month.

In big cities there is a possible to give your children to private kindergartens, that can be op-

erated in foreign languages (e.g. English-speaking, German-speaking) and classes can be conducted in two languages. This, however, is bound up with high charges. From September 2015 each nursery school is to introduce compulsory English language classes for five year olds children.

2.2. PRIMARY SCHOOL

Primary school is the first stage of primary education and is compulsory for every student. Children starting education according to teaching schedule attend primary school at the age of 6-12 years (currently still 7-13).

Primary school lasts six years and is divided into two stages.

During the first three years children realize the so called early school education program. Mainly one teacher, who also serves as the group leader (teacher), conducts classes. There is no lesson division on various subjects, what is more, the teacher should himself, watching his students, set time intervals for breaks and activities. During the school year children are given the evaluating picture. The school transcript also does not include marks, but ratings and the description of child's achievements – how

one was studying, or how can he/she work and learn with other children, what kind of abilities does one manifest and so on.

In IV-VI classes learning takes place already in the subject system, which our children will be taught by teachers specially prepared to conduct such lessons. Key activities are:

- ✓ polish language,
- ✓ foreign language,
- ✓ mathematics,
- ✓ nature,
- ✓ history and the society,
- ✓ music,
- ✓ art,
- ✓ technical classes,
- ✓ computer classes,
- ✓ physical education (sport).

Every child has the right to attend classes in religion (or ethics), and education classes on family life. Participation in these activities is dependent on the decision of parents.

At the end of the sixth year (usually in April), each student must take the test checking the

level of his knowledge and skills. Taking a test is a prerequisite for graduation, but it is impossible to fail this test. It is simply designed to tell at what is the level of:

- ✓ reading,
- ✓ writing,
- ✓ reasoning,
- ✓ the use of information,
- ✓ the use of knowledge in practice.

2.3. MIDDLE SCHOOL (GYMNASIUM)

Gymnasium is another, the second stage of primary education compulsory for every student. Youth following education according to teaching schedule attend high school at the age of 13-16 years old.

Education in gymnasium lasts three years.

As already mentioned, studying in gymnasium is compulsory. Therefore, every child has a guaranteed place in the district gymnasium having jurisdiction over the place of residence. This means that anyone who graduated from primary school must be admitted to the gymnasium. The choice of district gymnasium is not the only possibility. You can always consider applying to another school. However,

before taking such a choice, it is worth considering the arguments “for” and “against”, and above all, check out the reviews on the school, what is the level of education, where it is located. Familiarizing with other children in a new class, proven teachers and convenient location, which will shorten the time needed to reach the school and will allow to allocate it to other activities, are elements which you must consider before making a decision. Fortunately, each candidate may apply to three different schools. Thanks to this, chances to get into the dream school are really big. Schools that are “non-district” for the candidate determine admission criteria. They are different in each facility but generally the average grade point is taken into account, final test score (after 6

grade) or outstanding scientific and sports achievements.

Among gymnasiums are also those that have to offer language or sports classes. The condition for getting into such a class often meet the additional criterion or passing a test for example in a foreign language or swimming skills test.

Children foreigners are admitted to the gymnasium on the basis of:

- ✓ certificate or other document confirming the completion of school abroad recognized as equivalent to Polish certificate;
- ✓ certificate or other document issued by the school abroad, confirming attendance by a foreigner to school abroad and pointing the stage of education and the total years of education (if a foreigner cannot provide such a document, then the parent or legal guardian shall submit appropriate statement).

If submitting the above documents is not possible then the decision on the adoption of the appropriate class is taken by the director on the basis of the interview. This conversation should take place in the child's native language or foreign language he/she can understand. If necessary, the assistance of an interpreter can

be used (does not have to be a sworn translator – it is important that he/she freely reaches an agreement with the child).

Regardless of the information indicated above, before making a decision, contact the your specific school for up to date information and in particular the deadlines for submission of applications and required documents.

2.3.1. GYMNASIUM EXAM

The culmination of gymnasium studies is a general written exam, which is to test the knowledge acquired during the last three years.

Exam consists of three written parts:



Humanistic sciences – verifies knowledge of the Polish language, history and social studies



Natural and mathematical sciences – verifies knowledge of mathematics, physics, chemistry, biology, geography

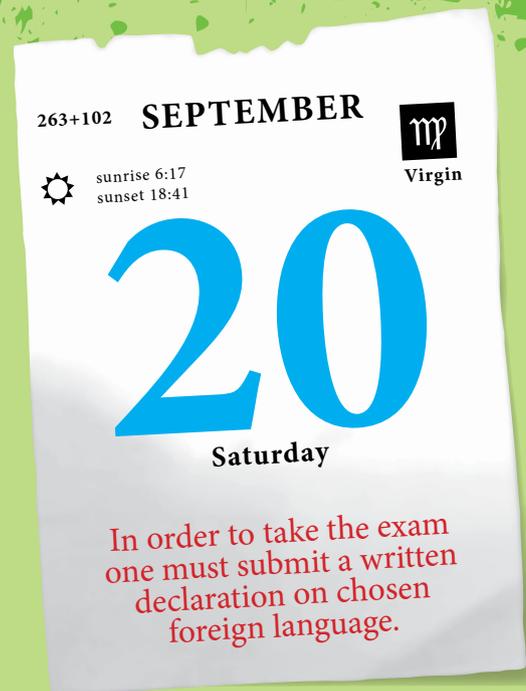


Language part – examination of one of the modern foreign language (English, French, Russian, Spanish, Italian or Ukrainian), student learned in school.

In order to take the exam one must submit a written declaration on chosen foreign language. Declaration shall be submitted to the school director not later than September 20 of the school year in which a student joins the exam.

The exam takes place in April. Each part of the exam is carried out on a different day. All students throughout the country are starting at the same time and solve the same set of questions.

The exam does not have a specific lower threshold point, but the approach to an exam is a condition of graduation. The results are the basis to qualify for a particular post-gymnasium school.



2.4. POST-GYMNASIUM SCHOOLS

After graduating from gymnasium, every child must choose the future direction of its learning. In Poland, the next rung of education are post-gymnasium/ secondary schools. Foreigners enjoy the right to education in secondary schools under the same conditions as Polish citizens, but only until the age of 18 or until graduation from the school if the studies were taken before completing 18 years of age.

Secondary schools can be distinguished between:

- ✓ general lyceum– currently the most popular and commonly chosen by young people. Education in lyceum lasts three years and ends with the maturity exam (matura). After graduation, there is the possibility to continue education in upper secondary schools, and after passing the matura – in high school.

- ✓ technical school – schools that allow you to obtain a diploma confirming vocational qualifications (e.g. Electronics specialist, mechanic, forestry technician), as well as to obtain a matriculation certificate after passing the maturity exam. After graduating from technical school one also can continue its education in upper secondary school or high school (after passing the matura). Education in technical school lasts four years.
- ✓ basic vocational school – these are institutions preparing students for work in the designated profession. Vocational training is conducted at the journeyman level, according to the profile of the institution. After graduating the vocational school one can receive only a graduation certificate or diploma confirming vocational qualifications. In order to obtain the diploma one has to pass the professional examination. The length of study depends on the profession.

The primary criterion for admission to a secondary school is presenting a certificate from the third year of gymnasium and gymnasium exam results. Additional requirements are set differently in each institution. Each student can apply to three different schools. After receiving the applications, schools are publishing a ranking list with the names of selected applicants.

For the detailed rules, deadlines and required documents ask the secretariat of the school.

2.4.1. MATURITY EXAM (MATURA)

The maturity examination – a common name for general lyceum and technical school exit exam. The maturity exam is not mandatory, but only after passing the exam you can apply for a place at the university.

From 2015 matura will consist of a mandatory part and additional part. The written and oral examinations will be carried out. Anyone joining the exams will take a written exam on the basic level of the Polish language, mathematics and modern foreign language and an oral examination from Polish language and one foreign language.

The biggest change will be a new form of Polish language oral examination. Instead of the current presentation, the examinee will draw from the issues concerning cultural texts. On the basis of these issues one will prepare his/her statement and will have to present it before the commission, which afterwards will ask questions to the delivered text. In addition, the examinee must select at least one additional exam subject that he/she will take at the advanced level.

One can take an exam on a minority language – oral and written. Such a right shall have only students of the classes and schools where the language is taught.

To pass the maturity examination it is necessary to score at least 30% in each exam. However, you should keep in mind that this might not always be enough to take on the dream field of studies. The authority of each university determines detailed conditions for admission of candidates. Universities can perform additional exams (e.g. drawing examination, physical abilities exam), which also have an impact on recruitment result.

2.5. POST-SECONDARY SCHOOLS, VOCATIONAL SCHOOLS FOR ADULTS

Free education in public secondary schools, public schools of art, public teacher training institutions and public institutions can take only groups of foreigners mentioned in the Act:

- 1) EU nationals or a Member State of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area (EEA), the Swiss Confederation, as well as their family members, if they have the right of residence or permanent residence on the territory of Poland;
- 2) persons of Polish origin within the meaning of repatriation provisions;
- 3) persons who have been granted a permanent residence permit in the territory of the Republic of Poland;
- 4) persons with a valid Pole's Card;
- 5) persons in respect of which such entitlement stems from international agreements;
- 6) persons who have been granted refugee status and their family members;
- 7) persons granted permission for tolerated stay;
- 7a) persons who have been granted permission to stay for humanitarian reasons, and their family members;
- 8) persons granted subsidiary protection and their family members;
- 9) persons enjoying temporary protection on the territory of the Republic of Poland;
- 10) persons granted residence permit for long-

term residents of the EU issued on the territory of the Republic of Poland;

- 11) persons granted temporary residence permit in connection with work, staying with family, as well as victims of human trafficking, EU residents and their families;
- 12) family members of persons applying for refugee status;
- 13) individuals who hold a residence card with an annotation 'access to the labor market', a Schengen visa or a national visa issued to perform work in the territory of Poland.

Foreigners not included in the above list can study in the mentioned above schools:

- 1) as holders of scholarships granted by the minister responsible for education;
- 2) as holders of scholarships awarded by the school authority, a teacher training facility or institution, by the school principal;
- 3) on a fee-paying basis..

In the last case, there is a possibility of total or partial exemption from the payment. The school principal takes a decision in this regard.

2.6. INSTITUTIONS OF HIGHER EDUCATION

Foreigners living in Poland can undertake studies on the BA, MA and PhD level. Principles, recruitment methods, payment for studies, the opportunity to receive a scholarship, and many other factors are determined mainly by the legal basis of stay.



Studies under the rules for Polish nationals (free of charge) may be undertaken by:

- 1) foreigners who have been granted a permanent residence permit;
- 2) foreigners with refugee status granted in Poland;
- 3) foreigners with temporary protection on the territory of the Republic of Poland;
- 4) migrant workers who are nationals of the European Union, the Swiss Confederation or a Member State of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area, as well as their family members, if they are living in the territory of Poland;
- 5) foreigners granted residence permit for long-term residents of the EU issued on the territory of the Republic of Poland;
- 6) foreigners granted temporary residence permit on the Polish territory due to the work requiring high qualifications, due to a family reunion or if he/she is a family member of a migrant worker;
- 7) foreigners granted subsidiary protection on Polish Territory; are citizens of the EU, Member State of the European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area (EEA) or the Swiss Confederation, as well as

their family members if they have the right of permanent residence.

They go through the same recruitment process as candidates of Polish citizenship. Throughout the study period, they bear no tuition fees.

Such students can fully benefit from the privileges and entitlements available for Polish students. These include the opportunity to apply for social scholarship, special scholarship for disabled persons, rector scholarship or minister scholarship for outstanding achievements (scientific, artistic, sports).

If, however, students of this group decide to undertake extramural studies or courses taught in foreign language – they will have to pay relevant tuition fees as well as Polish nationals.

Nationals of the Member States of the EU, the Swiss Confederation or the Member States of the EFTA – parties to the Agreement on the European Economic Area (EEA) as well as members of their families who have funds necessary to cover the maintenance costs during the pe-

riod of study may enroll on, and follow, degree programs under the rules applicable to Polish nationals, however with no entitlement to scholarships and special grants.

Holders of valid Pole's Card can undertake BA, MA and PhD studies and other forms of education, and participate in research and development work under the rules applicable to Polish citizens. They also may apply for both scholarships and other types of benefits, just like Polish citizens. Nevertheless, keep in mind that this privilege will expire when the Pole's Card holder decides to study on the different basis, e.g. Polish government scholarship.

Foreigners who do not meet any of the conditions set out above, as well as those who opted out of the opportunity to study under the same conditions as Polish citizens are admitted regardless and disregarding procedures binding for the Poles. They may undertake studies on the basis of:

- 1) international agreements, pursuant to the rules defined therein;
- 2) agreements concluded between higher education institutions and foreign entities, pursuant to the rules defined therein;
- 3) decisions of the minister responsible for higher education;

- 4) decisions of the rector of a higher education institution.

Foreigners mentioned above may enroll on studies:

- 1) as holders of scholarships awarded by the Polish party – such scholarships are awarded on the basis of international agreements or the Government Program of Cooperation with "Polonia" and Poles Abroad – meaning no tuition fees;
- 2) on a fee-paying basis – the amount of tuition fees is determined individually by the institution, it is also possible to apply for total or partial exemption from the payment;
- 3) without a fee and scholarship benefits – students undertake studies without having to pay tuition fees, they also do not get any financial aid from the university;
- 4) as holders of scholarships awarded by the sending party – education costs are covered by the Government of another country on the basis of relevant international agreements, without paying tuition fees;
- 5) as holders of scholarships awarded by higher education institutions – education costs are covered by the university.

Rector takes the decision on adoption of the foreigner for studies.

Higher education system in Poland is divided into two stages. Undergraduate degree (vocational), which last three years allows to obtain a bachelor's degree or an engineer title. Graduates of the second level courses after completing two years complementary magister level courses obtained a master's degree. There are also uniform 5-year magister level courses (e.g. law, medicine, psychology), which allow direct access to a master's degree (in the case of medical studies – doctor). You have to spend 5 years (six years in the case of medical studies) to get higher education at Polish universities.

2.6.1. POLISH LANGUAGE COURSE

Foreigners who do not know the Polish language at a level that allows them to use the studies offer are directed by the Minister to attend an annual preparatory course to the units operating under the authority of the Minister (in Krakow, Lublin, Lodz, Rzeszow and Wroclaw). The duration of the preparatory course is counted into the training period, for which the foreigner was admitted. He enjoys the rights of the person undergoing the studies, including the Polish Government scholarship. After finishing annual preparatory course, the foreigners are directed to studies of the first degree, second degree, uniform master's degree or PhD studies by the heads of the mentioned above units.



3. FAMILY



3.1. FOREIGNERS GETTING MARRIED IN POLAND

Polish law allows the marriage registered in Poland to be concluded by persons with non-Polish citizenship both when a foreigner is one of the future spouses or both of them. Marriage is concluded at the moment when a woman and man at the same time declare, before the employee of the civil registry office and in the presence of two witnesses that they join together in marriage. This ceremony requires previous preparations, visits to selected registry office and collecting the required documents.

The possibility of marriage by a particular person depends on the national law of this person, which regulates such criteria regarding the required age, kinship or health conditions of a future spouse. Polish law, in turn, determines what actions are required for the marriage to be concluded.

The best way to start preparations for the ceremony is to visit any civil registry office. Marriage may take place one month after the submission of all required documents. In special circumstances, the waiting period may be reduced after the substantiated request of the intending spouses (stamp duty for the appli-

cation is 39 PLN). The head of the civil registry office decides on the shortening of the waiting period.

A foreigner wishing to get married in Poland should submit the following documents:



birth certificate, together with a translation into Polish by a sworn translator;



a valid identity document;



document issued by the authorities of the country of origin, which confirms that, in accordance with the national law this person may enter into marriage abroad. Such a document can be obtained in the country of origin or in its diplomatic representation in Poland. It is important that the document indicates the data of the person intending to marry, her marital status and an indication that the person may, in accordance with the national laws of the country of origin, enter into marriage.

In some countries the law does not provide the issuance of such documents, for example Albania, Argentina, Croatia, Egypt, Ecuador, Estonia, Greece, Spain, India, Iraq, Iran, Canada, Colombia, Korea, Libya, Lithuania, Morocco, Pakistan, Peru, South Africa, Ukraine. If a foreigner intending to get married in Poland is a citizen of one of these countries, or obtaining such a document is associated with serious difficulties, the Polish court may exempt him/her from this obligation.

The application in this regard should be submitted to the District Court in the locality where the foreigner resides. The marriage may be concluded after obtaining a positive court decision.

The obligation to submit such a document does not apply to stateless persons residing in Poland. Stateless persons are to submit – as well as Polish citizens – a declaration of no impediment stating that they are not aware of any lawful impediment to the proposed marriage, which is assessed according to Polish law. This statement shall be submitted before the head of the civil registry office.

If one of the spouses remained previously in another marriage, vital records confirming the termination of this relationship must be submitted (spouse's death certificate, marriage certificate with a note on divorce). These documents will not be required only if were prepared in the same registry office.



An additional duty of the future spouses is paying the stamp duty for issuing the marriage certificate **(84 PLN)**.

Marriage takes place in the solemn form at the registry office building, or at another location (e.g. hospital, detention center for foreigners, prison) if justified by compelling reasons. Those not using the Polish language are required to ensure the presence at the wedding of a sworn translator of language they use.

People who are not Polish speakers are required to ensure at the wedding the presence of a sworn translator of language they use.

Due to serious reasons, the court may authorize that a statement about getting married was filed by an attorney of the future spouse. Power of attorney to do so should be concluded in writing, with an officially certified signature and mentioning a person with whom marriage is to be concluded.

After conducting marriage a marriage certificate is prepared the copy of which is given to spouses. Immediately after the marriage, the couple should make a statement on the selected surname they will be using.

Spouses can use a common surname of one of them. Each of the spouses may also keep their current surname, or connect it with the previous surname of the other spouse. Surname created from the merger may not consist of more than two parts.

At the same time, the couple should decide what would be the last name of their children. First name of the baby can be changed on the joint request of the parents during the preparation of the birth certificate of their first child.

The law of the common homeland of the spouses governs the matrimonial relations between them. If the spouses are subject to the laws of different countries, their property/matrimonial relations will be regulated by the law of the

country in which both spouses are domiciled. There is also a possibility to choose the national law of one of the spouses. With the marriage between spouses of different nationalities, permanently residing in Poland commonality assets arises. Joint property of the spouses will include items acquired during the marriage by both spouses or by one of them, as well as obtained remuneration for work and income from other gainful activities of each spouse, the income from the joint assets, as well as the personal property of each spouse. Items not covered by the statutory commonality assets are the personal property of each spouse. Spouses may choose another property regime by concluding an agreement on this matter in the form of a notarial act.

3.1.1. RELIGIOUS MARRIAGE WITH CIVIL MARRIAGE CONSEQUENCES

Polish law provides the possibility of marriage conclusion between a man and a woman under the law of the church or other religious organization. Marriage is considered to be concluded in the outcome of the submission of marriage intention declaration (under Polish law) in the presence of a priest and afterwards preparing the marriage certificate by the head of the civ-

il registry office. The following denominations are entitled to perform such marriage:

- ✓ Catholic Church
- ✓ Polish Autocephalous Orthodox Church
- ✓ Lutheran Church
- ✓ Evangelical Reformed Church
- ✓ Evangelical Methodist Church
- ✓ Christian Baptist Church
- ✓ Seventh Day Adventist Church
- ✓ Polish Catholic Church
- ✓ Jewish Community
- ✓ Catholic Mariavite Church
- ✓ Pentecostal Church

The brides' duty is to submit to the registry office the same package of documents that are required for the marriage before the registrar. On the basis of this documents a certificate shall be drawn up stating no circumstances excluding marriage conclusion, the contents

and date of the declarations made on the chosen surnames of the future spouses and their children. This certificate is valid for the period of three months from the date of its preparation. The Bride and the groom before concluding a marriage under the internal law of the religious organization shall declare that they want to get married at the same time subject to Polish law. Based on these statements priest prepares a certificate stating the submission of these statements in his presence before the marriage under the internal law of the church or other religious organization. The clergyman, the couple and two adult witnesses present at the date of such statements sign this certificate. The document submitted in this manner together with previously obtained certificate from the head of the registry office cleric passes within 5 days from the date of marriage to the registry office where the marriage certificate is drawn up.

3.2. NEWBORN REGISTRATION

Birth of a child is a special event for his parents, which is also connected with some legal obligations. Within 14 days of the child's birth this event should be reported to the

registry office in the locality where the child was born. If the child was born outside of the locality, where his parents permanently reside, the report can be made at the regis-

try office in the locality in which parents or one of them lives.

In exceptional circumstances – such as the birth of a child on a Polish ship or aircraft, an event should be registered in the Warsaw registry office.

Registration should be made by:

- ✓ father of the child;
- ✓ the child's mother, if her health condition allows it;
- ✓ another person present at the birth;
- ✓ doctor or midwife.

When a child was born in a hospital or other health care institution this institution is obliged to report this event. A doctor, midwife or health care facility has to issue a written statement of the child's birth. The document itself shall be made on the official form and consists of two sections – an authorized employee of the healthcare facility in which the

child was born fills the first part. This section contains mother's data, medical information about the child and the birth process. The second section is filled by an employee of the registry office and contains information about the child's father, the marital status of the parents, their education background and sources of livelihood. In addition to completed in accordance with the specified requirements application, for child registration in the registry office, depending on the circumstances, such documents must be provided:

- ➔ abridged copy of a marriage certificate if the child's parents are married;
- ➔ abridged copy of mother's birth certificate if she is not married;
- ➔ abridged copy of the marriage certificate with a note about the divorce when the child's mother is divorced;
- ➔ abridged copy of the death certificate of spouse - if the child's mother is a widow.

Indicated civil status documents shall not be filed only if they have been drawn in the same registry office.

With the registration of birth, parents choose the child's name (or two names).

People having Polish citizenship and belonging to national minorities - Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish – have the right to use and spell their names according to the spelling rules of the minorities language, including identity documents and marital status records.

Within 6 months from the date of preparation of the child's birth certificate parents may issue a written request to the Head of the registry office to change the child's name noted on the birth certificate. If the deadline has been met, a change in the name of the child can be done.

Information about the father of the child shall be noted on the birth certificate when the parents are married or if there has been a determination of paternity (through acknowledgment of paternity or paternity wheelbarrows). In other cases, the mother identifies the father's name noted on the birth certificate and the surname of the child's father is noted after

mother's surname. If the mother (the child's legal representative) will not indicate the name of the father to the child's birth certificate, one of the names commonly used in the country is entered.

If a child's parents are not married, paternity may be determined due to acknowledgment of paternity. The man from whom the child comes declares that he is the father of the child. Within three months from the date of the declaration of a man, the child's mother confirms that the baby's father is this man. Declaration of paternity acknowledgement may be submitted before any registrar, before a guardianship court, or before the Polish consul – if the recognition occurs abroad, and at least one of the parents is a Polish citizen. In life-threatening situations to mother or father of the child, such a statement can be made before a notary, vogt (mayor, city president), the governor, the Speaker of the voivodeship, the secretary of the county or city municipality.

Paternity recognition of the child may be done after child was conceived, or after the birth of a child to the time when it comes of age. In the case of death of a child before the age of 18, the acknowledgment of paternity may be filed within six months from the date on which the father learned of the death of a child, but not

later than the date on which the child would reach the age of 18.

A child whose paternity has been established by the acknowledgment bears the name of one of the parents or the name formed by combining the names of the mother with the name of the child's father. Parents are to agree

on the child's name. In the absence of parental agreement on the name, it will be the name of the mother and the name of the father of the child.

If the child's parents are married, child's name is determined according to a statement filed by parents during the marriage.

3.3. BABY BONUS

The right to a one-time grant for the birth of the child (the so-called "Becikowe") have the foreigners residing in Poland on the basis of:

- ✓ permanent residence permit,
- ✓ permit for long-term residents of the EU,
- ✓ temporary residence permit on the Polish territory due to the work requiring high qualifications,
- ✓ temporary residence permit for long-term residents of the EU issued by another EU Member State,
- ✓ foreigners with refugee status,
- ✓ foreigners with temporary protection.



The benefit is paid in the amount of **1000 PLN** for one child. It is granted to the mother or father of the child, legal guardian or actual guardian of the child, if the monthly family income per capita does not exceed 1922 PLN. An additional condition for receiving the benefit is to provide a medical certificate stating that the child's mother was covered by medical care no later than from 10 weeks of pregnancy to birth. The request for receiving the benefit must be filed within 12 months from the date of birth of the child at the Centre for Social Welfare.

If the child's parents have the right to receive family benefit – monthly income per family member does not exceed 574 PLN – they can apply for an addition to the family benefit for the child birth. This addition is paid once in the amount of 1000 PLN. In this case as well, the condition for receiving the benefit is to provide a medical certificate stating that the child's mother was covered by medical care no later than from 10 weeks of pregnancy to birth.

3.4. OBTAINING PESEL (NATIONAL IDENTIFICATION NUMBER)

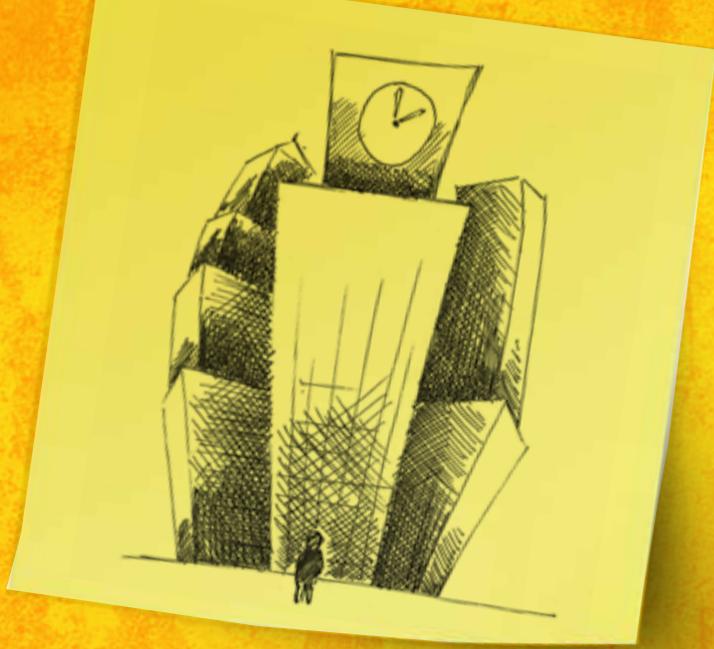
PESEL or the national identification number is a collection of personal data of Polish citizens and foreigners who are registered in Poland for permanent residence or temporary stay of over three months, or are covered by social insurance. PESEL number is an eleven-numeric symbol permanently assigned to a particular person for identification purposes

A foreigner can get a PESEL number after turning in this matter to the municipality authorities in which he/she is registered for permanent residence or temporary stay of over three months. The application in this case is submitted to the Minister of Internal Affairs, who gives the PESEL number. If a foreigner is not registered for the required period of time, and is subject to Polish social or health insurance, application for granting PESEL number is submitted to the Minister of Internal Affairs by the person payer insurance contributions, e.g. in case of employment, the application is filed by the employer; in case

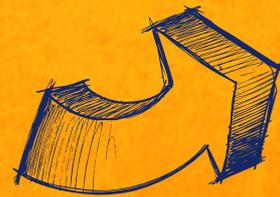
of starting a business the obligation to submit an application rests with the entrepreneur.

Individuals who do not meet the above criteria, if they submit a written request on this case to the Minister of Internal Affairs and indicate that obtaining PESEL number is justified can obtain

: the PESEL number as well. The application must
: be accompanied by an abridged copy of birth
: certificate (for spouse – also abridged copy of
: the marriage certificate) and provide him per-
: sonal data. Refusal for granting PESEL number
: is issued in a form of an administrative decision
: that foreigner may appeal against.
:



IMPORTANT ADDRESSES



The Office for Foreigners

ul. Koszykowa 16
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www.udsc.gov.pl

Caritas Polska

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01-015 Warszawa
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www.caritas.pl
e-mail: caritaspolska@caritas.pl

**IOM International Organization
for Migration**

ul. Mariensztat 8
00-302 Warszawa
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www.iom.pl
e-mail: iomwarsaw@iom.int

**Caritas of Lublin Archdiocese
Centrum Pomocy Migrantom i Uchodźcom**

ul. Prymasa Wyszyńskiego 2
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lublin@caritas.pl

**Office of the UN High Commissioner
for Refugees (UNHCR)**

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Amnesty International

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00-672 Warszawa
tel./fax: +48 22 827 60 00
www.amnesty.org.pl
e-mail: amnesty@amnesty.org.pl

**Section for Foreigners,
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ul. Unii Lubelskiej 15
20-108 Lublin
tel./fax: +48 81 532 20 12 w. 369 lub 370

**The Helsinki Foundation
for Human Rights**

ul. Zgoda 11
00-018 Warszawa
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www.hfhrpol.waw.pl
e-mail: hfhr@hfhrpol.waw.pl

The Halina Niec Legal Aid Center

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31-141 Kraków
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e-mail: biuro@pomocprawna.org

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Polish Migration Forum Foundation

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The „Ocalenie” Foundation

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e-mail: ocalenie@wp.pl

Association For Legal Intervention

al. 3 Maja 12/510
00-391 Warszawa
tel. +48 22 621 51 65
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**Legal Clinic of Catholic University
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EMERGENCY PHONE NUMBERS



112

this is a general,
the most important emergency number
(dispatcher will forward your
application to the appropriate service,
responsible for this kind of help).

999 Ambulance 

998 Fire Brigade 

997 Police 

Remember that these numbers are used in emergency situations only when your life or health is threatened by a serious and real danger.

Other emergency numbers are:

981 Roadside Assistance

986 Municipal Police

994 Water Supply Emergency

993 District Heating System Emergency

992 Gas Emergency

991 Electricity emergency

988 Helpline

**CHILD
ALERT**



995

Child Alert – if there is reasonable suspicion that a child is the victim of a crime and his life, health or freedom is directly threatened;

Child Alert is a joint operation of services and the media to launch an immediate search action of missing child. If police considers that spreading a message can in a realistic way help to find a missing person, his/her image will be published among others through TV and radio stations, Internet (with the written consent of parents). Information boards will be placed in public places, among others, at railway stations, airports. Child Alert System operates in 11 countries of the European Union.

NOTES





THE RULE OF LAW INSTITUTE FOUNDATION is a non-governmental organization established as an initiative of Polish and American lawyers connected with the Faculty of Law, Canon Law and Administration of the John Paul II Catholic University of Lublin. Established at the turn of 2001 and 2002 in order to promote initiatives aimed at raising legal awareness of the society, improving professional qualifications of lawyers, promoting European law and the idea of European integration, efforts to protect human rights and reform legal education.

The mission of the Institute is to undertake actions which lead to more completed realization of the rule of law principle contained in Article 2 of Polish Constitution. Through Poland's example, we want to support the introduction of these standards in other countries where the democratic transition process is still running.

The activities of the Institute consists of five programs:

-  The Migration Programy
-  The Refugee Program
-  The Legal Aid Program
-  The Protection of Basic Rights Program
-  Think-Tank Program

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