**INFORMATION**

**about the rules and course of action for the control of the legality**

**of foreigners’ stay in the territory of the Republic of Poland**

**Legal basis of procedures: Act of 12 December 2013 about foreigners**

**The aim of the procedures: the checking and enforcing of rules concerning foreigners’ entry and residence on the territory of the Republic of Poland.**

**During his/her stay in the territory of the Republic of Poland a foreigner is obliged to have a valid travel document and documents entitling her/him to stay in the territory of the Republic of Poland where these are required.**

1. After showing a warrant card and badge a border guard officer can ask for the following to be presented for inspection
2. travel document or documents entitling the foreigner to stay in the territory of the Republic of Poland;
3. financial means sufficient to cover the costs of:
4. subsistence of the foreigner throughout his/her stay in the territory of the Republic of Poland,
5. the return journey of the foreigner to the country of origin or residence,
6. foreigner’s transit through the territory of the Republic of Poland to a third country which will grant the foreigner the permit to enter;
7. documents confirming the availability of financial means;
8. documents demonstrating an entitlement to work, to conduct business activity or give work to others;
9. documents confirming the purpose and circumstances of the stay in the territory of the Republic of Poland.

**2.** If you are subject to control you should, at the request of the officer, show the above listed documents and your financial means as well as documents confirming the possibility of obtaining such means if they are required.

**3.** If you haven’t any documents confirming your identity you can be fingerprinted to confirm your identity.

Fingerprints can also be taken in order to verify the authenticity of your Schengen visa or to check the identity of its holder.

Your fingerprints will then be cross-checked in the Visa Information System.

**4.** If during control it is found that you are using a document which was supposed to be returned to the authority that issued it, the document will be retained. You will receive, free of charge, a confirmation attesting the fact of retention of the document and the document will be returned to the issuing authority.

**5.** If the control recognizes that your stay is illegal, a protocol of control of legality of foreigners’ stay in the territory of the Republic of Poland will be drawn up.

**6.** The original of this protocol will be presented to you for signature. Once this is done, you will receive a copy.

If you refuse to sign the protocol, the officer drawing up the protocol will give you a copy signed by him.

**7.** When it is established that:

1. you stay on the territory of the Republic of Poland without the legal right to do so
2. you do not show, upon a request of the authorized body, documents entitling you to stay on the territory of the Republic of Poland,
3. you do not show, upon a request of the authorized body, the required financial means or evidence of the possibility of obtaining them,
4. you evade the obligation of exchange or return of a residence card, Polish Travel Document for a Foreigner, Polish Identity Document for a Foreigner or the document “permit for a tolerated stay”,
5. you did not inform the appropriate body about the loss of a residence card, Polish Travel Document for a Foreigner, Polish Identity Document for a Foreigner or the document “permit for a tolerated stay” within 3 days from the date of the loss,
6. you did not fulfill the obligation to leave the territory of the Republic of Poland within the time limit set in the decision about obligation of return or in the decision to extend the deadline for the voluntary return,
7. you did not fulfill the obligation to report in defined time intervals to the authority indicated in the decision about extension of deadline for voluntary return,
8. you left the place of residence indicated to you in the decision about extension of deadline for voluntary return,
9. you entered into the territory of the Republic of Poland on the basis of a permit to cross the border in the framework of the Local Border Traffic Regimeand:
10. you stay outside of the border zone within which you are entitled to move on the basis of the local border zone traffic permit or
11. you did not leave the territory of the Republic of Poland after the expiry of the time limit specified in the permit

-you may be punished by a fine.

A fine may be imposed in the form of a mandatory fine. A mandatory fine receipt shall be given to the punished person after it has been paid to the officer who imposed the fine. In this case, the fine will not exceed 500 Polish Zloty.

You have the right to refuse to pay a mandatory fine. In such a case the offence will be referred directly to the Court, which can, according to the law, impose a fine of up to 5,000 Polish Zloty.

An officer can also fine you for misdemeanors other than those specified above.

**8.** Drawing up a protocol of the legality of your stay on the territory of the Republic of Poland can constitute a basis for detention and for the launching of the procedure for an obligation to return.