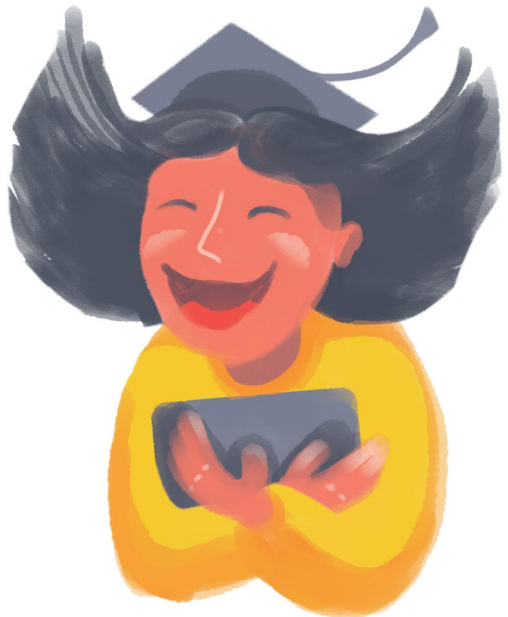




FOREIGN STUDENTS IN POZNAN

a pocket guide to your rights



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POZnan*

Legal situation as of 1st November 2019

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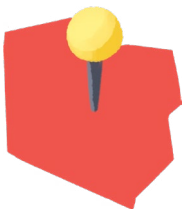
INTRODUCTION

You are a student in Poznan (or you are planning to become one), you are going to gain knowledge and skills, have new experiences, make new friends, and discover a new country and its culture. To make your stay as productive and hassle-free as possible it would be useful to know your rights in different fields. That is why we have prepared this handy pocket guide where we discuss the most common and most important legal issues you might ask about.

In the first chapter you will find general information about studying in Poland. Then, we reach for the most important legal act – the Constitution of the Republic of Poland to refer some of the crucial rights and freedoms it guarantees (chapter II). In the third chapter we focus on administrative proceedings conducted in offices and in the fourth one – on the applicable criminal proceedings if you are ever a suspect or a victim of a crime, or if you have been accused. The final chapters are dedicated to day-to-day issues such as work (chapter V) and buying property, accommodation etc. (chapter VI).

In each part you will find answers to some frequently asked questions as well as information about useful websites where you can find further details. We have also included important locations around the city, where you can refer your case to or get advice.

We hope the guide will be of use to you. If you want to share your opinion with us or ask more questions, you are welcome to contact us. Information about us and Migrant Info Point, where we work, can be found on the last page.



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I. GENERAL INFORMATION ABOUT STUDYING IN POLAND

If you are reading this text, you have probably come to Poland after being admitted to a university or you are already living in Poland and are considering applying to become a student. We will provide you the most important information about studying in Poland.

Types of colleges in Poland

In Poland we have different kinds of higher education institutions: universities, technical institutes, medical schools... Some are public, others are private. In Poznań itself, there are several public universities: Adam Mickiewicz University, University of Life Sciences, University of the Arts, University of Technology, University of Economics & Business, University of Physical Education, and the Medical School. Additionally, there are several private colleges (College of Human Sciences and Journalism, WSB University etc.).

We can distinguish between full-time studies (*studia stacjonarne*) and extramural studies (*studia niestacjonarne*). On full-time studies you usually have lectures from Monday to Friday, and on extramural ones – every weekend or every second weekend. Sometimes, however, the extramural studies take place on Fridays or other days as well (especially at public universities).

Degrees

For most courses, the system of degrees is quite similar. Usually after 3-year studies you obtain a **bachelor / engineer** degree (first cycle degree), and after another 2 years – **Master of Arts/Master of Science degree** (second cycle degree). Engineer is a degree granted for science studies and Bachelor – for humanities studies. Sometimes the education cycle is divided into 3.5 and 1.5 years. When you study law or psychology, you obtain Master of Arts degree after 5 years, but there is no bachelor degree (a so called long cycle degree). There is also no bachelor's degree at medical studies – you obtain a medical degree after 6 years.

If your studies allow you to obtain a bachelor / engineer degree, you have officially higher education after obtaining such degree (there's no need to study for another 2 years if you don't want to do it). Also, **as a bachelor / engineer graduating from Polish college, you no longer need a work permit** in order to take up a job.

Tuition fees

For foreigners, studying at private and public higher education institutions is rarely free. Polish students, on the other hand, can study full-time for free at public universities. The same rules apply to:

- foreigners possessing the Polish Charter (Karta Polaka) and a permanent stay permit,
- refugees (who were granted this status in Poland),
- foreigners granted subsidiary protection,
- long-term EU residents, etc.

If you are not sure whether you are entitled to study for free, consult with your university. If you want to know about tuition fee for studies, you should also contact the university as fees can vary depending on the course and institution. **You can also ask whether you are entitled to apply for a scholarship.** Since studies in Poland are much cheaper than in many other countries (such as the United States or the United Kingdom), scholarships are also significantly lower. Nevertheless, it is always worth asking.

According to the Polish National Agency for Academic Exchange, **average tuition fees** are:

- EUR 2000 per year for first, second and long cycle studies,
- EUR 3000 per year for doctoral, postgraduate and medical postgraduate internships as well as scientific, arts, specialist and post-doctoral internships,
- EUR 3000 per year for vocational courses and apprenticeships,
- EUR 2000 per year for an annual preparatory Polish language course to commence studies in Polish.

Student's status

Each university has its own regulations concerning the process of studying, the rights and obligations of students, internal procedures, disciplinary measures etc. **All university authorities, lecturers, teachers, and of course students, are obliged to obey those rules.** There is usually, at least, a statute (statut) and terms and conditions of studying (regulamin studiów). **They should be available to each student** and it worth reading them to understand your status at a particular university.

Erasmus students – registration of stay

Although **EU citizens do not need visas or residence permits** to study in Poland, you need to remember that if you are an EU citizen and you intend to stay in Poland for a period exceeding 3 months, **you need to register your stay.**

- Where? In the Voivodship Office (Foreigners Department, Plac Wolności 17).
- When? No later than on the first day after 3-month period of stay in Poland; you can do it earlier as well.
- What documents need to be submitted with your application? A document confirming that you study in Poland, a document confirming that you have valid insurance & a proof that you have eligible financial resources. There is no application fee.

Accommodation

Most public universities offer their students accommodation in dormitories. It is a cheaper solution than renting an apartment and it also gives you a chance to meet more people. Another solution is renting an apartment. **Before signing a lease contract, remember to have it translated into you language!** It will help you avoid misunderstandings and unfavourable lease terms. Read more about lease contracts in the last chapter.

Health insurance

If you are an EU/EEA citizen, your national insurance is valid in Poland as well. It means that public medical care is free of charge for you – however, it is good to have a document proving you are insured, such as the European Health Insurance Card (EKUZ; Europejska Karta Ubezpieczenia Zdrowotnego). You can obtain it for free in your country. If you are not an EU/EEA citizen, you need to purchase your own medical insurance. If you do not, you will have to sign a contract with Polish National Health Fund (NFZ) and purchase insurance there. You can also purchase additional insurance from other institutions.

What are benefits of having insurance? You can use Polish public medical care for free. You need to be aware, however, that sometimes you need to wait for an appointment with a specialist for a couple of weeks or even months. Private medical services are, on the other hand, quite inexpensive in Poland, compared to other EU countries (an appointment usually costs no more than 200 zł – prices are obviously higher if you require some kind of medical treatment at the appointment).



MORE INFORMATION

You can find more information concerning studying in Poznan on <http://www.studyinpoland.pl/> and some useful tips on local “Study in Poznan” website: <http://www.poznan.pl/mim/studia/en/>

II. YOUR CONSTITUTIONAL RIGHTS AND FREEDOMS

The Constitution of the Republic of Poland grants various rights and freedoms not only to Polish citizens, but also to foreigners. The Bill of Rights is a separate Chapter of the Constitution. The first and main article of this chapter underlines that human dignity is a source of human rights and freedoms.

Although the Constitution does not include precise and specific rules, it is a source of general rules (higher norms) that should be respected by all legislative and executive authorities. Therefore, if you believe that your Constitutional right or freedom has been violated by authorities, you should consult a lawyer and check whether you can do something about it. **Polish Constitution grants same rights to men and women. It states that men and women have the same rights in political, family, social and economic life.** A very important Constitutional norm is article 32 – it states that **everyone is equal before the law and that everyone has the right to be treated equally by authorities.** It also states that nobody shall be discriminated in social, political or economic life for any reason.

What does it mean that I have the right to be treated equally by the authorities?

This rule works on two levels: first of all, the legislator has to write the laws in a way that does not discriminate anyone. Secondly, the authorities applying these laws have to treat persons in the same situation equally. It means **you cannot be treated differently i.e. because of your nationality, sex or material status** as long as it does not affect the substance of the case – for example there are laws protecting a pregnant employees (women) and they do not apply to their male partners even though they are expecting a child as well; it is because the physical situations of a pregnant woman and the father-to-be are different. So it is not discrimination of men.

How does the Constitution protect my liberty?

A very important rule states that you can not be deprived of liberty if it is not regulated in law. If you are deprived of liberty on any other grounds than a court verdict, you have a right to appeal to court immediately and demand from the court to verify whether your imprisonment / deprivation of liberty was legal. If you are detained, the authorities have to inform you immediately and in a comprehensive manner about the reason of your detention. They also have to place you at the disposal of court within 48 hours from the moment you'd been detained. The court has 24 hours to issue and deliver you the decision about arresting you and to present you the charges against you. **If you are not presented the arrest decision & charges until then, you must be released immediately.** Read more in Chapter IV.

Human freedom is a subject of legal protection. Nobody ought to be forced to do something that is not mandated by law. You cannot be forced to be a part of a scientific experiment, including **medical experiment**, without your consent. What does it mean? If a doctor suggests you an experimental therapy, you don't have to agree to participate in it.

What other rights and freedoms are guaranteed by the Constitution?

The Constitution requires that all the authorities should protect your **right to life and refrain from torture, inhuman or degrading treatment.**

Among other constitutional rights and freedoms there is **the right to private and family life, right to communicate freely and to express your views and opinions as well as the freedom of religion.** You need to remember that **all these rights should be exercised with respect to similar rights of other people.**

What should I do if I believe I have been a victim of discrimination by authorities?

First of all, seek legal advice. If you have no financial resources, you can try to find free legal services – for example at **Migrant Info Point**. You can also write to the Ombudsman for Citizens' Rights (**Rzecznik Praw Obywatelskich**); despite the title, this person also assists foreigners.



MORE INFORMATION & IMPORTANT ADDRESSES:

Biuro Rzecznika Praw Obywatelskich

al. Solidarności 77

00-090 Warszawa

Ombudsman office's employees have duties in Poznań on every second Wednesday of every second month from 11 a.m. until 2 p.m. at City Hall:

Urząd Miasta w Poznaniu, Plac Kolegiacki 17 (first floor, room 9)

For more information see the Ombudsman's website:

<https://www.rpo.gov.pl/en>

III. YOUR RIGHTS IN ADMINISTRATIVE PROCEEDINGS

During your stay in Poland you will probably need to settle some official business. For example, you might well be applying for a temporary residence permit at the Voivodship Office, reporting your stay at a particular address, or registering a business with City Hall etc. Hopefully, a deportation procedure will not be initiated in your case, but if it is, this is also defined as an administrative procedure (conducted by the Border Guards). In this chapter, what rights you have in such proceedings will be explained.

What are the general rules that the authorities have to follow?

All the public authorities are bound by the law. It means that they cannot undertake any action that is not provided for in the legal provisions. You are thus entitled to ask in all circumstances what is the legal basis of a particular action and officials should indicate a legal provision. What is more, public administration bodies have to conduct proceedings in a manner that inspires confidence in public authorities and **they should respect the principles of proportionality, impartiality and equal treatment.**

Am I obliged to search for legal information and advice on my own?

It is good to know as much as possible about the laws applicable in your case. You have **the right to be informed** by the administrative body that conducts the procedure about all legal and factual circumstances that may affect the decision in your case. Officials should provide the crucial information on procedural aspects as well as the requirements that have to be met before a positive decision is issued. In some offices written information is given to all applicants. You can usually find some useful tips on particular offices' websites or call their helplines and of course you can ask questions when you meet an official responsible for your case.

Nevertheless, it has to be mentioned that an administrative body is neither a legal counselor nor an attorney and **the right to be informed cannot be confused with the right to get legal assistance.** Officials' obligation is to

give general information, not advice. Free legal assistance is available in special offices for each person who could not afford it otherwise. Apart from that, there are organisations that provide free legal assistance exclusively for foreigners (such as Migrant Info Point in Poznań).

Do I have to pay a fee when I lodge an application in an administrative office?

It depends. For example, registering your stay at a particular address is free of charge, but when you apply for a temporary residence permit in Poland you have to pay a fee of 340 PLN. Remember that **if a permit you apply for is not issued (i.e. in case of a negative decision), you have the right to request a refund of the application fee.**

Do I have the right to participate in the procedures?

Yes, you do. For that reason you are **entitled to be informed about the fact that a procedure in your case has been initiated.** You have **the right to be present** when evidence is taken (for example, when a witness in your case is being questioned). You are also allowed to **provide documents and other proofs** on your own as well as present your explanations etc. When you do it, remember to ask an official to **confirm on a copy** of a document etc., the date when you present it. You can also send it by post as **a registered letter (*list polecony*)** and keep the proof of sending it.

Apart from that, you have **the right to ask the administration body that conducts the procedure to show you all the documents in your file and as a rule you can make notes or take photos** of each of them. This right might be restricted only in case when your files contain information that is secret but in order to deny access to the file, an official resolution/order has to be issued and you can make a complaint to a higher instance. Before the decision in your case is taken, you should be informed about **the right to make statement** on the documents and proofs gathered.

How will the authorities communicate with me?

The administrative bodies will usually communicate with you in writing. All the crucial demands and decisions have to be either **handed or sent to you**. **The date a letter is delivered is often very important** so you have to pay attention to it. If you are not at home when a postman arrives, he/she can leave the letter to an adult flatmate (if you do not want it you have to go to the post office and make such a reservation). Remember that the date when your flatmate received the letter is considered the date of delivery (not the date you actually read it!). If there is nobody at home, he/she will leave a notice in your mailbox and you will have to go to the post office to receive the letter (if you fail to do it, the letter will be sent back to the office after 14 days but it will be considered delivered!). For these reasons remember to **inform the administrative body that conducts a procedure in your case about each change of your address**. Make sure it is an address in Poland because official correspondence will not be delivered abroad. You can also get official correspondence by mail when you ask for it or agree to it but this requires a special ePUAP account or a qualified electronic certificate. In urgent cases you might be called or an official might write a standard e-mail but this will not be considered a formal delivery.



Can I be represented by a proxy?

Yes, you can. To appoint a proxy in a procedure it is necessary to sign a proxy document, pay a fee of 17 PLN and bring or send the document to the office. From the moment the administrative body conducting the procedure gets it, all official correspondence will be sent to your proxy and the **proxy's action or inaction count as yours**. If you lose trust in your proxy or you do not want to have recourse to his/her services for other reasons, **you can revoke the proxy**. Remember to inform the office about that fact in writing.

What can I do when my case is being proceeded very slowly?

The authorities should act **quickly and effectively** in the proceedings and make the decision within prescribed period (usually a month and two months in more complicated cases). If they fail to do, they should inform you for the reasons of such a failure and determine a new term for ending the proceedings. You have **the right to submit a reminder** (*ponaglenie*). You should justify it and bring/send to the authority that conducts the procedure. It will be then forwarded to the authority of higher instance which will assess whether the procedure could have been conducted faster. If the reminder does not help, **you are entitled to make a complaint to an administrative court.**

What rights do I have in the event that an authority issues a negative decision in my case (i.e. denies my residence permit application)?

As a rule, **you are entitled to make an appeal** to a higher authority. Do not send it directly to the higher instance; bring it or send it to the body that issued the decision and they will forward it with your file to the proper addressee (make sure you **keep a proof the appeal has been brought or sent**). Usually it is not necessary to attach justification for the appeal but of course it is a good idea to explain to the higher instance why you disagree with the decision in question. **It is extremely important to lodge the appeal within the appointed time limit.** As a rule you can lodge an appeal not later than within 14 days from the date the decision was delivered. If you decide to send the appeal, you do not need to worry whether it will be delivered within 14 days (it is the date of sending it that matters). **Instruction on the time limit for making an appeal and other details of the procedure can be found in the final part of each decision** (called *pouczenie*). If it is in Polish and you are not sure you have understood it properly, you should look for assistance because **misunderstanding does not usually justify mistakes.** Normally, if you fail to lodge your appeal in time, the proceedings end and you have to act in accordance with the decision.



If you lodge your appeal within the time limit, the authority of higher instance will review your case and decide whether the decision in question should stay in force or not. If there are doubts whether the higher instance's decision is in line with the law, **you can bring a complaint to an administrative court** (usually within 30 days from the date the decision was delivered). It has to be nonetheless remembered that **as a rule such a complaint does not suspend the execution of the decision** in question.



MORE INFORMATION

You can find useful information about different procedures (especially those connected with residence permits) on the website of **Szef Urzędu do Spraw Cudzoziemców** (Head of the Office for Foreigners) <https://udsc.gov.pl/en/>

Information on many other procedures is available in Polish on a website <https://obywatel.gov.pl/>

It is most likely that you will attend **Urząd Miasta Poznania** (City Hall), ul. 16/20, 61-706 Poznań, ul. Gronowa 22a, 61-655 Poznań, ul. 28 Czerwca 1956r. nr 404, 61-441 Poznań, to register your stay at a particular address (zameldowanie) and **Wielkopolski Urząd Wojewódzki** (Wielkopolska Voivodship Office) to apply for a residence permit.

IV. YOUR RIGHTS IN CRIMINAL PROCEEDINGS

It might happen that at some point you get involved into a criminal procedure – either as a **victim** of a crime (**injured person**), or as a **suspect** (**and, on a later stage, the defendant**). In this chapter you'll find basic information about the criminal proceeding in Poland, including the information about your rights as a victim / suspect.

The first and most important question is when you can be accused by Polish criminal authorities and convicted by a Polish court?

The rule of thumb is that **you can be accused in Poland when you commit (or are suspected of committing) a crime on Polish territory**. In some situations, however, you can be convicted in Poland for a crime committed abroad. This relates to a crime against Polish interests, a terrorist attack, but also to the a crime committed abroad that is also a crime according to the Polish Criminal Code punishable by a maximum term of imprisonment of at least two years, if Polish authorities for some reason decided not to send you to the country where you allegedly committed such crime.

Who is a victim and a suspect?

A victim (injured person) is a person directly affected by a crime. It might sometimes turn out that you are not a victim in terms of the Polish Code of Criminal Proceeding even if you feel affected by a crime. A suspect is a person who is suspected of committing a crime.

How do I know if I am a suspect?

A suspect is the person to whom the charges are presented in preparatory proceedings (i.e., who received a decision about presentation of the charges) or who is being interrogated as a suspect and presented the charges without previously receiving such a decision. In other words, **you will be informed that there are charges against you and from this moment you are a suspect**.

What are my rights as a suspect?

First of all, if you do not speak Polish, you have the right to a **translator's** assistance. Even if you speak **some** Polish, but you feel you need someone to translate for you, you have the right to demand it. Second of all, you have the **right to a lawyer**. In the Polish legal system, there are two similar legal professions: advocate and attorney at law Both **of them** are entitled to serve as defenders in criminal cases.

You have the right to remain silent (refuse testifying). You can also refuse to answer specific questions. You do not have to explain your decision. Moreover, **your closest ones can refuse testifying as well** (other witnesses can refuse answering to specific questions if answer could expose him or his closest ones to criminal liability).

What are the stages of criminal proceedings?

Criminal proceedings usually consist of two parts: **preparatory proceedings (investigation or inquiry)** and **trial**. An investigation is conducted by a **prosecutor** (in cases of the most serious crimes) and an inquiry is conducted by the **Police** (if related to less serious crimes). An inquiry run by the Police is supervised by a prosecutor.

Courts are the main deciding bodies – not only during the trial, but also during the investigation / inquiry. It means that often if you do not agree with the prosecutor's decision, you usually have the right to appeal to the court (for example, if a prosecutor denies initiation of an investigation).

If, after conducting preparatory proceedings, the prosecutor / the Police believes that the proceedings provide sufficient grounds and there is strong enough evidence against the suspect, they then prepare an indictment and send it to the court. The indictment opens the second phase of criminal proceedings – the trial (proceedings at court). **From this moment the suspect becomes a defendant.**

Court – meaning who?

In Polish criminal procedure there is no jury similar to the US system. We do, however, have so called “social factor” in some kinds of cases – **besides the professional judge(s) there might be two or three lay judges** (representatives of society) as a part of the jury. Depending on a crime, the jury consists of: just one or three professional judges, one professional judge + two lay judges or two professional judges + three lay judges.

How to notify the authorities about the crime?

As mentioned above, the bodies responsible for conducting investigation are prosecutors & the Police. Therefore you probably wonder whom to call when you witness a crime or you are a victim? There are a few solutions: **If you need an intervention, call 112.** It's a Polish universal emergency number used in order to ask for support of policemen, an ambulance or firemen intervention. The person who picks up the phone asks what your emergency is and decides whether it is justified to send you the support. If the situation does not require the presence of policemen at the alleged crime scene, you should **go to the nearest police station and report the crime or visit the Prosecutor's Office** (*Prokuratura*).

Remember! Police officers have no right to refuse your report. If they do not agree that the reported incident was a crime (or they think it falls outside of Polish jurisdiction), they should issue an official decision that states refusal to initiate an investigation. Such a decision should be delivered to you – you have a right to appeal.

There are a few Police stations (called Komisariat Policji / Komenda Policji) in Poznań where you can report a crime:

- 1) **Komisariat Policji – Północ**, os. Jana III Sobieskiego 115
- 2) **Komisariat Policji – Nowe Miasto**, ul. Polanka 24
- 3) **Komisariat Policji – Grunwald**, ul. Rycerska 2
- 4) **Komisariat Policji – Jeżyce**, ul. Kochanowskiego 16
- 5) **Komisariat Policji – Wilda**, ul. Chłapowskiego 12
- 6) **Komisariat Policji – Stare Miasto**, Al. Marcinkowskiego 31

You can also notify the Prosecutor's office about the crime you witnessed / were a victim of. You do not have to go there in person – you can send a letter with information about the alleged crime, a request the Prosecutor to initiate the investigation. Similarly, as in the case of the Police, the **Prosecutor has to give you a formal decision in order to refuse initiation of an investigation.**

Important! Sometimes you do not just have a moral, but also a legal obligation to inform the authorities about the crime you have witnessed or learned about – article 240 of Criminal Code lists the most serious crimes that you have to report, including murder, causing serious damage to health, gang rape, paedophilia, and a terrorist attack.

The Prosecutor's offices for every district of Poznań are located in one building, ul. Solna 10.

What happens if you are a victim of a crime?

First of all, you have **the right to demand from authorities running an investigation.** You are entitled to challenge the decision about remitting / refusing to initiate preliminary proceeding.

Sometimes it is your decision whether the proceedings will be initiated – most crimes are being investigated regardless of who informs the authorities about them, **but there are some crimes where the victim's assent is necessary** – i.e. infecting someone with HIV virus, stalking, breaking into someone's email / social media account, and accessing private information. Therefore if you are a victim of such a crime and you do not demand an investigation, a perpetrator cannot be convicted. In most cases, however, the victim does not decide whether a perpetrator should be pursued and punished – although the victim's opinion of perpetrator's behaviour will probably have an impact on the court's judgement.

What is the injured person's role in the trial?

The injured person has the right to act as an auxiliary prosecutor during the trial – as a side prosecutor alongside the public prosecutor, or, sometimes, as

a subsidiary auxiliary prosecutor instead of a public prosecutor. **Remember!** If you want to be an auxiliary prosecutor you need to inform the court about it before the commencement of a judicial proceeding!

There are also some kinds of crimes that can be only a matter of so called **private prosecution**. It means there is no inquiry / investigation and there is no public prosecutor acting during the trial (except for some unusual circumstances, when a public prosecutor joins or initiates the case as he believes that the interest of society requires it). In such cases, the injured person acts as a private prosecutor and initiates the trial by preparing an indictment. What are these crimes? The most common ones are **defamation** and **insult**.

Does the injured person have the right to a translator?

Yes and no. No – because there is no general rule containing such a right. And yes – because if the person, who is supposed to testify, does not speak Polish, the translator's presence is mandatory. Also, if an auxiliary prosecutor / private prosecutor does not know Polish well enough, every decision that they have the right to appeal against, needs to be delivered to them with a translation.

I was convicted / my perpetrator was exculpated. Do I have the right to appeal?

Yes, **if you acted as a defendant or an auxiliary / private prosecutor, you have the right to appeal. Remember!** A victim, who was not an auxiliary / private prosecutor during the trial, has no right to appeal. In some cases, you also have the right to a cassation appeal (recognized by the Supreme Court) – but such an appeal needs to be prepared by a specialised lawyer.

Can I be condemned to death?

No, **there is no death penalty in Poland** (or anywhere in EU for that matter). According to the Polish Criminal Code, eligible penalties are: a fine, community service, imprisonment, 25-year imprisonment (separate penalty) and life imprisonment. There are also some additional punitive

measures i.e. you can be prohibited from driving a car or working in a specific profession. You can also be forced to move out from an apartment if your victim occupies it. You can also get a so called stadium ban – when you are not allowed to attend sports matches.

You need to remember that the acts listed below are crimes according to the Criminal Code:

1) Using violence or threatening to another person or group of people because of his / her / their nationality, race, ethnical / religious / political identity is a crime punishable by the maximum term of imprisonment of at least between 3 months and 5 years. Therefore, if you are a victim of a threat / physical violence and you want to report it, it is also important what was the reason of perpetrator's actions. It might be difficult to prove sometimes, but if you have evidence showing that the reason of such attack was your identity, inform the Police / the prosecutor about it.

2) Public glorification of: extermination of a group of people, using violence in situations listed above, using or producing forbidden weapon of mass destruction is also a crime. Therefore remember – **you can report a crime** not only committed by a person, who attacked you due to your ethnical identity, but also **committed by a person, who publicly approved such behaviour.**

3) Euthanasia is a crime in Poland. If you help ill person to terminate her / his life, you commit a crime punishable by the maximum term of imprisonment of at least between 3 months and 5 years.

4) Abortion is illegal in Poland, except for 3 situation: when a pregnancy is a threat to woman's life / health, when there is a high risk that the *foetus* is seriously ill / damaged and when there is a serious suspicion that a pregnancy is a result of a crime (usually a rape). In the last case, abortion is legal for the first 12 weeks. You need to be aware that it is difficult to conduct an abortion legally in Poland (even if the situation meets the criteria listed above). **While it is not illegal for a pregnant woman to have an abortion, the crime is: conducting an abortion, helping in conducting an abortion and persuading someone to have an abortion.** You might have heard

about so called *moral clause* – a doctor has the right to refuse conducting an abortion (even if you meet the legal criteria), but he/she is obliged to point you another doctor who will conduct it.

5) Pedophilia – in Poland **it is illegal to have any kind of sexual relation with a person under 15 years old**. Even if she / he agrees for such relation, it is still a crime. It is also illegal to present pornography to a person who is younger than 15 years old. It does not matter if you are 16 or if you did not know how old this person was. So if you have any doubts, just ask this person to show you ID.

6) Bigamy is illegal in Poland as well.

7)) Alimony – if there is a court verdict or a contract obliging you to pay alimony and **you have not paid at least 3 monthly instalments**, you may be convicted. Remember, in Poland non-payment of alimony is not only ground for civil liability, but can be also a crime!

8) Forgery of a signature – Although it is legal to fill a blank sheet of paper with someone's signature on it as long as you fill it accordingly to this person's will, **it is a crime to forge someone's signature** (even if this person knows about it)! It is also a crime when you use someone's signature and fill the document with content not accepted by the signature's author. Remember! **Never sign any kind of receipt with another person's name!**

9) Drugs possession – it is **illegal to possess** (or sell) any amount of any drugs, **including marijuana**. Remember, it is not only about buying drugs, but also possessing it. Therefore, if you (legally) buy drugs abroad, you are not allowed to bring them into Poland.

10) Alcohol – you are allowed to buy alcohol when you are 18 or more.

Of course, the Polish Criminal Code contains **many more paragraphs**; this handbook lists just some of the behaviours that are not always recognized as crimes abroad.

V. YOUR RIGHTS CONNECTED WITH WORK

Are you interested in working in Poland during your studies? For students from EU member states it is very simple, because they are allowed to work without any special job or permit. If you are a citizen of a non-EU member country working in Poland though, it is a little bit more complicated.

First of all, as a rule, you should get a **visa or a residence permit adequate to the purpose of your stay**. Remember that there are some types of visas that exclude taking up a job (among others, a tourist visa – no. “01”).

There is a **difference between full-time and extramural students**. As a **student of full-time studies you do not need a work permit** to take up a job offer. But you need to remember that **if you work full-time and study full-time at the same time, the Voivodship Office may refuse to grant you a temporary residency permit**. Working full-time is no longer listed as a premise of mandatory rejection of your application (if you declared that the purpose of your stay in Poland is studying), nevertheless, you still need to be careful. According to the current law, **the Voivodship Office may reject your application for a temporary residency permit if you declare that the purpose of your stay in Poland is studying, but “objective circumstances” or evidence prove that your purpose of stay is different than that declared**. If you are an extramural student, as a rule, you need a work permit. There are some exemptions from these rules. If you want to make sure whether they are applicable in your case, it is best to consult an expert.

What type of job contract is the most convenient for me?

There are a number of different legal ways to work in Poland and generally speaking they can be divided in two basic types. The first type is an **employment contract** (umowa o pracę), the second type are the so called **civil contracts** such as the most popular mandatory contract (umowa zlecenia), services agreement (umowa o świadczenie usług) or a specific-work contract (umowa o dzieło).

The main differences between these types concern flexibility, amount of net earnings and social security. **The biggest advantage of the civil law contracts is the fact that such contracts allow people to get more take-home pay, but at the same time there are some disadvantages, namely, you are not protected by the law to the same extent as according to the principles applicable to the employment contract.** For example, an employment agreement guarantees you rights such as paid leave, sickness benefit, protection from being fired and paid leave. Simply speaking, someone who is paid in accordance with the rules governing civil contracts makes fewer social security contributions (*ZUS*) than employment contracts, which makes them more attractive for people who prefer to earn more money rather than to have a more stable employment situation.

Please note: In case you have any doubts whether your employer has registered you with social security services (*ZUS*), ask them to provide you with a document called "*ZUS- ZUA*"(an official declaration confirming your registration) and "*ZUS- RMUA*" (a document related to the particular month of your work that shows how much money you earned and what social security contributions your employer made on your behalf).

What is the basic thing I should remember when accepting a job offer?

No matter what kind of contract you choose, you should insist on having it **in writing**. Most of the popular civil contracts do not require a paper form so it is possible to conclude a contract via mobile phone, e-mail, FB etc. Only an employment contract is legally required to be concluded, or at least confirmed, in writing by, at the latest, the day an employee starts work. If it is not possible to have the contract in writing then try at least to **collect the most important arrangements** (type of work, salary, deadlines) in your emails. This simple documentation of all important arrangements regarding work will strengthen your position in any disputes. If you do not speak Polish well, you should ask someone trusted to translate the contract, or ask if you can sign an English language version of the contract as well.

What are my rights concerning my remuneration, is there any minimum salary guaranteed for students?

Both employment contract and services/ mandatory contracts have a minimum salary. In 2019 the minimum salary for employment contracts amounts to 2250 PLN gross. For mandatory or services contracts the minimum remuneration amounts to 14.70 PLN gross per hour. These minimums change every year and it is expected that both amounts increase in 2020 r. **The minimum salary and minimum remuneration is guaranteed for all, regardless of age, nationality, nature of work.**

Please note: as a student under 26 years old you are entitled to a tax exemption up to an amount not exceeding PLN 85528 during the tax year. Keep in mind that your employer is obliged to provide you with your annual tax statement – PIT-11 – which contains information about your annual income.

When do I get the payment for my work?

Your employer (hiring you under the employment agreement) is obliged to pay your remuneration for work once a month. This frequency is also common in civil contracts, however this is not forced by law and it depends on given contract provisions, which you can freely negotiate. This flexibility is often more convenient, but it can also cause problems when the payment date is not specified in your arrangements.

Do I have the right to paid leave? What happens when I get sick?

Paid leave and paid sick leave are possible only upon the employment contract. According to employment law, an employee has the right to 20 or 26 days of paid leave. The duration of the leave depends on age, work experience and number of working hours, but generally, if you are under 26 years old and are a full time employee, you will have the right to paid leave up to 20 days a year. During illness you are also entitled to get your salary, however in that case your salary is slightly reduced and amounts to about 80% of your normal salary.

What should I do if I do not get the payment on time?

In this case you have a few possibilities. If you work under a contract of employment, you may **notify to the district labour inspector** (*Państwowa Inspekcja Pracy*) that the employer has not paid the agreed the remuneration. The inspector may initiate an inspection and request the employer to submit relevant explanations. If the inspector finds that the employer is not paying or is paying too late, they may order the employer to pay the remuneration (such orders are subject to immediate execution) and initiate proceedings on an offence against the employee's rights.

Another possibility, which is applicable for civil contracts as well, is to **send a written demand** for payment. If the demand is unsuccessful, you can **bring a claim to court**. You have 3 years to claim payment of outstanding remuneration arising from an employment contract. For civil contract this deadline is shorter (two years).

Please note: you might need a lawyer to handle the procedures in court. You can either ask the court to appoint a legal attorney (you will not be obliged to pay for their services then) or find one on your own. Please keep in mind that the court is not obliged to appoint a legal attorney, it always depends on your financial and social situation, which is examined by the court before decision.

Do I have any rights if my job contract has been terminated by my employer without any reason?

Each contract can be terminated, but **an employment contract is harder to terminate than a civil one**. There is also a set of rules governing termination of employment contracts which are not applicable for civil contracts. The most important thing to remember is that the correctness of termination of an employment contract can be verified by a court through a special procedure. So, if you disagree with the termination of your employment contract, you have the right to **appeal to the employment court** within 21 days from the day when the letter terminating the employment contract was delivered to you. You can ask the court to consider that the termination decision be regarded as non-existent or restore your employment on

previous terms or award you compensation for the unlawful termination of the contract of employment (not higher than three months' salary).

Is there a minimum notice period for termination of job contract?

Minimum notice periods are provided for only in employment contracts.

The notice period for an employment contract concluded for an indefinite period, and for a fixed-term employment contract depends on the period of employment. This is 2 weeks for employment shorter than 6 months; 1 month for employment lasting for 6 months and 3 months if you have been employed for at least 3 years. If you are working for a trial period, the notice periods are a bit different, namely 3 days for a two week trial, one week for a trial longer than two week and two weeks for a three month trial period.

Most civil contracts can be terminated on the terms specified in the contract. If exist, you can terminate it an any time. However when termination is done without good reason, you can be liable for damage, especially if you terminate the contract with immediate effect.

Please note: if you intend to terminate your job contract, do so in written form (make a copy of it and ask the employer to sign it proof that they actually received it).



Do I get any confirmation that I worked?

In the case of an employment contract, you will receive an **employment certificate** (świadectwo pracy) any time you finish working. The certificate will be handed over, at the latest, at the moment when the agreement expires and only in exceptional situations can it be delivered to you later (but not later than within 7 days). The certificate contains basic information related to your job (e.g. what kind of job you did, how many days-off you had, what the legal base of the termination of your job contract was). The document is crucial because you are obliged to show it at your new workplace. If the employment certificate contains information that is not true, you should request the employer to correct it within 14 days from the

day you received the document. If the employer rejects your request or does not react, you are entitled to request a correction by the employment court (within 14 days from the day you were informed that your request was rejected by the employer). If the employer fails to issue an employment certificate, you have the right to request the employment court to oblige the employer to issue a work certificate for you.



MORE INFORMATION & IMPORTANT ADDRESSES:

Państwowa Inspekcja Pracy (Polish National Labour Inspection)
<https://www.pip.gov.pl/en>

Legal advice on the Polish labor law:

in Polish language

Monday to Friday from 9 a.m. to 15 a.m.

Tel.no. +48 801 002 006, +48 459 599 000

in Ukrainian language

Tuesday to Wednesday from 4 p.m. to 8 p.m.

Tel.no. +48 22 111 35 29

Monday to Friday: 9 a.m. to 3 p.m.

Tel.no. +48 22 391 83 60.

Centrum Informacyjno- Konsultacyjne Służb Zatrudnienia Zielona Linia

(Green Line Information and Consultation Center for Employment Services)

<https://zielonalinia.gov.pl/zielona-linia-wersja-angielska-34769>

Tel.no. +48 22 19524, +48 22 537 54 00 (available in Polish only)

VI. YOUR RIGHTS IN DAILY LIFE

You have been living in Poland for some time now, but are you wary of buying stuff on the internet because you do not know how to react if something goes wrong? Or maybe you are postponing renting a flat because you are not sure what a rental agreement should look like so that you are not at a disadvantage? **Below you will find out how to manage the most common situations and how to protect your rights. Remember that these rights and regulations are the same for both Poles and foreigners living in Poland.**

Do I need a tenancy contract in writing?

No. The Polish Civil Code does not specify a strict form for a tenancy agreement, so it may be the oral as well, unless it is for a period longer than one year (then it must be in writing). **If the landlord refuses to sign a written tenancy agreement with you, you should make all arrangements regarding the apartment by e-mail so that you have proof of the tenancy relationship.**

What should I do before moving in?

Always **check the condition** of the apartment and its equipment. You and the landlord should **draw up a protocol**, signed by both of you, with a description of the apartment's condition. It is also recommended that you **take photos or even a filmed record** documenting the conditions.

Can I redecorate a rented apartment?

If you would like to change something in the flat, e.g. change the colour of the walls, **you should always ask your landlord first** (preferably by e-mail or in writing). However, **even if the landlord agrees to your requests, they reserve the right to demand that the flat is restored previous state at the end of the rental period**, which means that you will have to paint the walls again. If you rent a place for a short period (for example for a year), think whether it is worth making any changes. Similar rules apply rental of one room. **If in any doubt, ask the landlord for permission.**

What if something breaks in the flat, do I have the right to request that the landlord repairs it?

It depends on the kind of defect. As a tenant **you must keep the apartment in good condition. Minor defects that are to be repaired by you** include, in particular: minor repairs to floors, doors and windows; painting the walls, floors and the inside of the entrance door; as well as minor repairs to the installation and technical devices ensuring the use of light, heating the premises, water inlet and outlet. So if, e.g. a wash machine requires repair you have to handle it yourself. The **landlord's duties include all major repairs or replacements of installations and elements of technical equipment**, such as repair and replacement of internal water and gas installations and hot water - without fittings and equipment, as well as repairs and replacements of internal sewage systems, central heating together with radiators, electrical installation, etc. If, for example, a plumbing/water installation requires repairs without which it is not useable, you may set an appropriate period for the landlord to take care of it. If the landlord does not respond within the deadline, you are entitled to make the necessary repairs at the expense of the landlord (e.g. deduct the appropriate amount from the rent).

Please note: If you are intending to deduct the repair cost from the rent, at the very least inform the landlord by e-mail (describe what repairs have been carried out and their cost and that you will deduct this amount from the amount due for rent since the landlord did not take care of it).

Please note: If you want to remove the obligation to repair equipment in the flat, you can ask the landlord to include this in the contract (in return he can, e.g. negotiate higher rent).

Can I request a rent reduction if something does not work in the flat?

Yes. If the rented apartment has defects that limit its suitability for the agreed use (e.g. in one of the rented rooms the radiator does not work in winter), **you can demand an appropriate reduction of the rent** for the duration of the defects (but only if you did not know about the defects at the time you were signing the tenancy agreement). If the landlord does not repair the radiator in due time despite any notification received, or if the

defects cannot be removed (e.g. the entire installation in the building must be replaced in advance), you may **terminate rent immediately** without notice.

Can the landlord increase my rent from month to month or throw me out for no reason?

No. To increase the rent, the landlord must terminate the current rental agreement in writing taking into account the term of notice of 3-months. This must be done, at the latest, at the end of the calendar month. You also have the right to request from the landlord the reason for the rise (within 14 days from receiving information about it) and its calculation, under pain of nullity of the increase. You may refuse to accept the increase and in effect terminate the contract, or contest the increase by bringing a lawsuit to court. As well as this, to terminate the rent agreement before it expires, the landlord has to have a significant reason for it, such as, e.g. that you do have not paid rent for at least two months, you have destroyed the apartment or sub-let it (or a room in it) without consent. If they attempt to remove you from the flat for no reason, you do not have to move out – they first have to file a lawsuit for eviction and get a court order.

I have purchased an item, that turned out not be faulty – can get a refund?

At first you need to request the seller to replace the item with a new one, free from defects or to repair it. If they do this, you cannot refuse the new or fixed item. If repair is impossible or it would require excessive costs, the seller should replace it at once. If the seller does not respond to your request within 14 days, it is considered that this request was justified. Your request will not be accepted if you knew about the defects i.e. if the price of a smartphone was lower than usual due to the fact that the microphone did not work. If the seller does not replace the item immediately with an item free from defects, or repaired the defect, you are entitled to ask them to reduce the price (and e.g. fix the item on your own if it is more profitable for you) or to return the item and request a refund. If the item has already been replaced or repaired by the seller (i.e. when it is a second replacement or repair), or if the seller did not replace the item or did not remove the

defect, they must meet your request to either reduce the price or provide a full refund. You should report your requests immediately after noticing any defects.

Please note: the above-mentioned rights are provided for in civil law but, as well as this, you might be able to use the warranty. The difference consists in the fact that a warranty is always an agreement and is not obligatory, so is not available in each and every case.

I lost my receipt - what can I do?

A receipt is not necessary to claim your rights in the event of defects, but it makes filing a complaint much easier, as it is proof of purchasing the item at a given place and time for a specific price. If you have lost the receipt, you can still show the purchase confirmation sent to your email box, payment record from your bank account, or delivery confirmation, etc.

I have purchased an item on the internet, but it does not match what I ordered - can I have my money back?

Yes. There are slightly different applicable rules for distance selling. From the moment you receive the item ordered on-line, you have 14 days to return the item, regardless of the reason and the seller must refund the price. The seller has 14 days from the date of receipt of your returned item(s), to refund all your payments, including the cheapest costs of delivery (they may withhold the refund until receipt of the returned item, delivery by you or proof of sending it back). They should do this using the same method of payment used for the initial payment, unless you expressly agree to a different method of return.

If you buy an item on-line and you do not receive the package, you should try to contact the seller and clarify the matter. If they do not respond, report the matter to the administrator of the website where the product was displayed. If this does not work, you should report the matter to the Police (the nearest police station). They have the technical ability to identify online fraud.



MORE INFORMATION & IMPORTANT ADDRESSES

Urząd Ochrony Praw Konkurencji i Konsumentów

(The Polish Office of Competition and Consumer Protection)

<https://prawakonsumenta.uokik.gov.pl/>

Tel.no. 801 440 220 (available in polish only)

From Monday to Friday from 8.00 a.m. to 8.00 p.m.

e-mail: porady@dlakonsumentow.pl

ABOUT MIGRANT INFO POINT

Migrant Info Point (MIP) was established for foreigners living in Poznan in 2013 as a place where they could find assistance in case of different difficulties. Nowadays MIP is a place where you can receive information and support related to legalisation of your stay, work and daily life but we also offer workshops, language courses, training sessions and integration meetings. Our advisors, lawyers and teachers can communicate in different languages (including English, Russian and Ukrainian). We have established the Centre for Migration Studies Foundation, which raises funds for further support offered by MIP. Thanks to financial support, we are able to offer most of our services free of charge.

Migrant Info Point

ul. Św. Marcin 78
61-809 Poznań
room 421

We are open:

Tuesday 2 p.m.- 8 p.m.

Wednesday 2 p.m.- 8 p.m.

Thursday 10 a.m.- 4 p.m.

Phone in duty hours:

+ 48 503 979 758 (during MIP work hours)

E-mail: office@migrant.poznan.pl

More information <http://migrant.poznan.pl/en/>



ABOUT THE AUTHORS

Aleksandra Dziurzyńska, LL.M – lawyer with completed legal training for attorneys at law and a sworn German language translator; she has been working for years as a lawyer and translator in an international legal environment in Germany and Poland; she gained her experience as an immigration lawyer working as an official in the Foreigners Department at Wielkopolska Voivodship Office, and at Migrant Info Point in Poznań.

Agnieszka Narożniak – Ph.D. in Law and M.A. in International Relations; specializes in administrative law; full-time lecturer at WSB University in Poznan; she has been dealing with immigration law for several years, first as a civil servant in the Foreigners Department at Wielkopolska Voivodship Office and since 2015, as a lawyer at Migrant Info Point.

Urszula Skonecka – lawyer and advocate; specializes in civil law and human rights; cooperates with Migrant Info Point providing legal advice to foreigners; for years she has been associated with non-governmental organizations; during the academic year 2018/19 she started cooperation with WSB University, conducting classes on intellectual property rights.

