

Polish Citizenship

Information for Foreigners



Polish law allows foreigners who have lived within the territory of Poland for an extended period of time and meet certain criteria to become citizens of Poland. To obtain Polish citizenship a foreigner must file an application to that effect.

Polish citizenship is conferred by the President of Poland. Applications should be filed with the Voivodship Office relevant to the place of foreigner's residence in Poland or with a consulate if the foreigner lives permanently abroad. To file the application in Poland the foreigner must be staying in Poland legally.

On becoming a Polish citizen the foreigner acquires full civic rights in Poland (e.g. the right to vote), may file for a Polish passport and enjoy certain facilitations in travelling abroad; however, Polish citizenship also confers certain obligations, such as tax duty. By acquiring Polish citizenship a foreigner simultaneously becomes a citizen of the European Union.

No “Right” to Obtain Polish Citizenship

Legal provisions stipulate an option and not the right of foreigners to acquire Polish citizenship. Hence, in each case the President of Poland may but is not obligated to grant Polish citizenship to a foreigner.

On the one hand, the President of Poland may therefore grant Polish citizenship to a person who does not meet the requirements set forth in the Law on Citizenship. On the other hand, the President may deny citizenship to someone who meets those requirements. The President may also require the foreigner to renounce previous citizenship before becoming a citizen of Poland.

Who may apply for Polish Citizenship?

A foreigner may be granted Polish citizenship if he/she has lived in Poland for at least five years on the basis of:

- a permit to settle,
- a residence permit for a long-term EC resident,
- the right of permanent residency.

The application may be filed by a non-Polish citizen or a stateless person (having no citizenship).

According to the Law on Citizenship, in particularly justified cases a foreigner may be granted Polish citizenship even if he/she does not meet the requirement of a five year stay in Poland.

Facilitations for Spouses of Polish Citizens

A foreigner who is married to a Polish citizen may receive Polish citizenship through a simplified procedure, by filing an affidavit stating willingness to become a citizen. The simplified procedure is only available if at least three years have elapsed since the date of marriage with a Polish citizen, provided that the foreigner holds the right of permanent residency in Poland.

The above procedure for obtaining citizenship is available to spouses of Polish citizens within six months from the day on which the person concerned meets jointly the two conditions: has a permit to settle or another form of permanent residency and has been married for at least three years to a Polish citizen.

Once the above six months expire the foreigner forfeits the right to submit the affidavit as described above. However, he/she may apply for Polish citizenship on general terms.

To acquire Polish citizenship the spouse files an affidavit expressing willingness to become a Polish citizen with the Voivodship Office relevant to the place of his/her registered domicile.

Polish Citizenship for Stateless Persons

According to the Law on Polish Citizenship, the application to become a citizen may also be filed by stateless persons who are also offered a simplified procedure. Eligible for obtaining citizenship under that procedure is the foreigner who has no citizenship and has lived in Poland on the basis of a permit to settle, a residence permit for a long-term EC resident or the right of permanent residency for at least five years. Applications to that effect should be filed with and the decisions are made by the Voivod (Governor of Province) relevant to the foreigner's registered domicile.

Polish Citizenship for Children

Citizenship Acquisition

When one of the parents is a foreigner and the other one a Polish citizen then the child becomes a Polish citizen by birth. The parents may choose a different citizenship for the child within three months from the child's date of birth provided that the law of the country of origin of the foreign parent so permits.

If the parents do not file an affidavit choosing a foreign citizenship for the child the child will retain Polish citizenship.

If the parents do not agree on the choice of citizenship for the child each parent may turn to court to resolve the matter.

Citizenship Grant

If both parents of a child are foreigners and one of them obtains Polish citizenship conferred by the President of Poland the children will also become Polish citizens if:

- they remain solely in parental custody of the parent who obtained Polish citizenship,
- or
- if the other parent has given his/her consent before the relevant Voivod or Consul to the child becoming a Polish citizen.

An affidavit to that effect is filed by the parent with the Voivodship Office (if the parent resides permanently in the area of Poland) or with a consul (if the parent resides permanently abroad).

If both parents who are foreigners obtain Polish citizenship (conferred by the President of Poland) then also the children remaining in their custody become Polish citizens. In that situation, however, children over 18 do not receive Polish citizenship.

Polish citizenship may be conferred on children over 16 only subject to their written consent.

Children of Stateless Parents

Polish citizenship is acquired by birth by the children born in the area of Poland to foreigners if the citizenship of both parents is unknown or if the parents have no citizenship.

Parentless Children

A child becomes a Polish citizen if he/she is born in the area of Poland and his/her parents are unknown.

In the procedures for granting Polish citizenship to a child remaining in Poland without parents or custodians the child is represented by a legal guardian (or guardians) appointed by the court. The court usually defines in the judgment the scope of guardians' rights, including the right to apply for citizenship for the child on his/her behalf.

Renunciation of Previous Citizenship

The grant of Polish citizenship may be made conditional on the provision of a proof of forfeiture or release from prior citizenship. The decision to that effect is made by the President of Poland. A foreigner may ask for the right to retain previous citizenship and the President may but is not required to consent.

The President may grant to a foreigner a so-called promise of citizenship, that is an assurance of granting Polish citizenship once the foreigner submits a document evidencing renunciation of previous citizenship. The promise is usually valid for two years and cannot be

extended. If the foreigner does not take avail of the promissory citizenship the promise expires. The foreigner may then file a new citizenship application and the process resumes from the beginning.

Renunciation of Polish Citizenship

Polish citizenship may be renounced based on the consent of the President of Poland. The person who wishes to renounce Polish citizenship must file an application to that effect with the President of Poland via the Voivod or a consul.

A consent for Polish citizenship renunciation granted to one parent extends over the children in that parent's custody if the other parent has no parental rights or is not a Polish citizen, or if the other parent is a Polish citizen and consents to the loss of Polish citizenship by his/her children

The President of Poland will not consent to Polish citizenship renunciation by the person who has no other citizenship or has not obtained a promise thereof. Renunciation of Polish citizenship cannot result in the person concerned having no citizenship.

Citizenship Applications

WA citizenship application may only be filed by the foreigner who resides lawfully in Poland (if the application is filed in Poland). All the documents used by the applicant (passport, travel document, residency card) must be valid.

The application must be filed by the foreigner in person.

When document copies are enclosed with the application, the foreigner must provide notarized copies or at the moment of filing the application, present both a copy

Fees

Applications for granting or renunciation of Polish citizenship or for acceptance of an affidavit expressing a choice of foreign citizenship for the child of parents having different citizenships will be considered without a fee.

The fee for an application for recognition of a stateless person as a Polish citizen or the fee for acceptance of an affidavit expressing willingness to acquire Polish citizenship by a foreign spouse of a Polish citizen is PLN 219. The amount should be paid by a bank transfer and the proof of payment should be enclosed with the application.

and the original, then the copies will be certified true by the official receiving the application.

Vital records (birth or marriage certificates) should be filed in original. They cannot be more than three months' old. They must be domiciled, that is entered in Polish vital records registers.

Documents issued in a foreign language must be translated into Polish by a sworn translator. There may be no discrepancies in personal details (e.g. spelling of the name, place of birth).

The application should be drawn up in the applicant's own hand (in Polish) and autographed in the official form. Enclosed with the application should be a passport format photograph.

Enclosures with the application

Each application for citizenship must be accompanied by:

1. a copy of a valid passport or travel document,
2. a copy of a valid Polish residency card,
3. a copy of the decision under which the residency card was issued,
4. a detailed curriculum vitae, written in Polish and autographed by the applicant,
5. the original current copy of birth certificate issued by a Polish vital records registry,
6. the original current copy of marriage certificate issued by a Polish vital



records registry (if applicable) or another document evidencing marital status,

7. confirmation of registered domicile in the province in which the foreigner files the application (in the case of regular citizenship applications permanent registered domicile is required, temporary registered domicile is only allowed for foreign spouses),
8. a proof of payment of the required fees, if applicable,
9. if the foreigner has children who are Polish citizens, it is necessary to enclose copies of birth certificates of the children and copies of their passports or other documents evidencing their Polish citizenship;
10. a statement on prior application (if any) for the grant or recognition of Polish citizenship, and a note on the outcome of the procedure (the statement to that effect is drawn up at the moment of filing the application);
11. a statement on the knowledge of provisions concerning current citizenship, drawn up in the applicant's own hand in Polish (Note: some states do not allow their citizens to have a dual citizenship);
12. other documents evidencing ties to Poland, e.g. a certificate of employment, letters of commendation, copies of diplomas;

13. a document confirming lack of Polish citizenship or release from or renunciation of Polish citizenship in the event the applicant or his/her predecessors had been Polish citizens in the past.

Additionally:

Spouses of Polish citizens must enclose with the application:

- an affidavit stating willingness to acquire Polish citizenship (it is drawn up at the moment of filing the application),
- a copy of the identity card of the Polish citizen spouse.

Stateless persons must enclose with the application:

- a release from prior citizenship, with its translation into Polish made by a Polish sworn translator, or another document confirming that the foreigner has no citizenship.

If the application includes a child below 18, the application must be accompanied by:

- a current excerpt from the child's birth certificate,
- documents evidencing the child's citizenship(s),
- a document evidencing the other parent's consent to the child becoming a Polish citizen where the application is filed by one of the parents (the consent must be

given in writing before a consul if the parent resides permanently abroad, or at the relevant Provincial Office);

- a written consent of the child to receive Polish citizenship if the child is over 16 (the consent is written at the Provincial Office or before a consul);
- if the child remains in Poland without his/her parents, the application must be accompanied by a consent to the grant of Polish citizenship to the child, given by the child's legal guardian;
- if the child has a passport or another travel document, a copy of that document;
- if Polish citizenship is applied for by a child whose parents/parent have/s more than one citizenship, the application must be accompanied by documents showing which of the parents' citizenships the child has and which the child has not.

Based on the provisions of:

UThe Act on Polish Citizenship of 15 February 1962 (Journal of Laws 2000 No. 28, Item 353, 2001 No. 42, Item 475, 2003 No. 128, Item 1175, 2005 No. 94, Item 788, 2006 No. 104, Item 708 and 711, 2007 No. 120, Item 818)

Decree of the President of Poland on detailed procedures in matters of granting or giving consent to renunciation of Polish citizenship, and on model forms of affidavits and applications, dated 14 March 2000 (Journal of Laws No. 18, Item 231).

Timing

The waiting time for consideration of an application for Polish citizenship is usually two to three years.

Under the procedures offered to foreign spouses of Polish citizens the decision is issued within 60 days.

Appeals

The decision on acceptance of an affidavit expressing willingness to acquire Polish citizenship by a foreign spouse of a Polish citizen or the decision recognizing a stateless foreigner as a Polish citizen may be appealed against with the Ministry of Interior and Administration (via the Province Governor) within 14 days from the day of service of the decision.

The ruling/decision of the President of Poland on granting Polish citizenship is not appealable. The President does not justify the decision.



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