

Polish Citizenship for Foreigners

In August 2012 a new act on Polish citizenship came into force. The requirements for being granted Polish citizenship have changed, the obligation to know the Polish language has been introduced for many groups of foreigners.

There are two ways in which the foreigners may get Polish citizenship:
the President of Poland – may grant Polish citizenship to an applicant at his own discretion. The foreigner does not have to meet any formal requirements, all they need is to convincingly indicate their ties with Poland.

Province Governor – may recognise a foreigner as a Polish citizen if the foreigner files a relevant application and meets specified requirements.

On becoming a Polish citizen the foreigner acquires full civil rights in Poland (e.g. the right to vote), may apply 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.

Note! Information concerning the possibility of acquiring Polish citizenship by foreign spouses and children of Polish citizens can be found in a separate leaflet.



How to apply for Polish citizenship?

Foreigners may acquire Polish citizenship in two ways:

- **citizenship grant** by the President of Poland;
- **recognition as a Polish citizen** by a Province Governor if specific conditions have been fulfilled.

Citizenship Grant

A foreigner legally residing on the territory of the Republic of Poland may file an application for Polish citizenship through a Province Governor relevant for their place of residence. Such an application cannot be filed by persons staying in Poland on the basis of a visa or visa free regime. A foreigner permanently residing abroad files an application for Polish citizenship through a Polish consul.

The foreigner does not have to fulfil any conditions (e.g. they do not need to have been residing in Poland for a specific number of years), however, in their application they have to indicate their ties with Poland.

The President may grant citizenship to a person who, in his opinion, should be granted such citizenship without stating grounds of his decision. Decisions of the President of the Republic of Poland in this respect are final and binding and are not subject to appeal or complaint to the administrative court, since provisions of the Polish Code of Administrative Procedure do not apply to the procedure in question.

The application is filed on the official form personally or by post (in the latter

case, the foreigner's signature on the application should be officially certified). Any documents issued in other languages than Polish should be filed together with their certified translations into Polish.

The waiting time for the President's decision to grant or to refuse granting Polish citizenship is usually two to three years.

Recognition as a Polish citizen

A foreigner who meets specific requirements may apply for recognition as a Polish citizen. Application to that effect should be filed with the Province Governor competent for the foreigner's place of residence. To file such an application, the foreigner needs to have been residing in Poland for a specific time based on a permit to settle, a residence permit for a long-term EC resident or based on the right of permanent residence.

While the President may make decisions to grant citizenship based on the assessment of foreigner's motives and arguments, a Province Governor may recognise a person as a Polish citizen if that person meets specific requirements. Meeting such requirements does not automatically mean that the foreigner will be granted Polish citizenship.

A foreigner may be refused recognition as a Polish citizen if their acquiring Polish citizenship endangers the

defensive capability, the state safety or public safety and policy protection.

Continuous residence

The residence of a foreigner on the territory of the Republic of Poland shall be regarded as continuous if the foreigner has not been absent from the territory of the Republic of Poland for a period exceeding 6 months or 10 months jointly during the period required, unless the reason of their absence was:

- performance of occupational obligations or work abroad on the basis of a contract concluded with an employer whose seat is placed on the territory of the Republic of Poland;
- accompanying a spouse performing such occupational obligations;
- medical treatment.

In the case of foreigners residing in Poland in connection with protection grant: refugee status, supplementary protection or tolerated stay, the time of waiting for decision to grant them protection is included into the continuous residence period required, even if the foreigner stayed in the in arrest or guarded centre at that time.

Who can apply?

Who can be recognised as a Polish citizen?

The Act on Polish Citizenship stipulates that recognition as a Polish citizen can take place in relation to:

- a foreigner residing continuously on the Polish territory for at least 3 years under a settlement permit, a residence permit for a long-term EC resident or under the permanent residence permit, who has a stable and regular source of income in Poland as well as the legal title to dwelling premises;
- a foreigner residing continuously on the Polish territory for at least 2 years under a settlement permit obtained in connection with having a refugee status granted in the Republic of Poland;
- the foreigner residing continuously on the Polish territory for at least 2 years under a settlement permit, a residence permit for a long-term EC resident or under the permanent residence permit, who has no citizenship;
- a foreigner residing continuously and legally on the Polish territory for at least 10 years, who meets all the following conditions:
 - has a settlement permit, a residence permit for a long-term EC resident or a permanent residence permit
 - has a stable and regular source of income in Poland as well as the legal title to dwelling premises



(In such a case, it is not relevant on which basis the foreigner has been residing in Poland for 10 years, as long as their residence is legal. It is important that the foreigner has the required legal status at the moment of filing the application);

- a foreigner residing continuously on the Polish territory for at least 2 years under a settlement permit obtained in connection with Polish ancestry.

The Act also envisages the possibility to recognise minor children and spouses of Polish citizens as Polish citizens; information concerning this matter can be found in a separate leaflet.

How to File the Application?

To file the application for recognition as a Polish citizen, the following documents are required:

1. Application, 1 copy, for recognition as a Polish citizen drawn up in the Polish language and on the official form.
2. Photographs, 1 photograph, in the format required (examples and descriptions of technical requirements are available at the Province Governor's Offices).
3. Full original copy of birth certificate issued by a Polish vital records registry, not earlier than 3 months prior to filing the application. Birth certificate in a foreign language has to be first translated by a certified translator and then registered at a Polish vital records registry,

which in turn issues the copy required to file the application.

4. Original document confirming marital status (copy of marriage certificate, divorce certificate or spouse's death certificate) issued by a Polish vital records registry. Foreign certificates have to be first translated and entered in Polish registers.
5. A photocopy of a valid passport or travel document.
6. A photocopy of permanent residence permit in Poland, permanent settlement or a residence permit for a long-term EC resident.
7. A photocopy of permanent residence card or document confirming the right of permanent residence.
8. Confirmation of registered domicile (permanent or temporary).
9. Official certificate confirming knowledge of the Polish language (see box).
10. Statement giving the dates of residence in Poland in the period required and documents confirming residence in Poland at the time indicated (passport with stamps, airline tickets or other proofs). Whenever a foreigner is not able to present such documents, they draw up a statement in this matter where they declare the dates of their residence in Poland.

11. Documents confirming professional achievements of a foreigner (academic titles granted, professional positions held) as well as social and political activity they have carried out.
12. Document confirming the citizenship of the foreigner's spouse.
13. Information (documents or a statement) stating whether the foreigner has already had or applied for Polish citizenship.
14. Proof of payment of stamp duty (PLN 219).

In addition, foreigners who have to prove having stable and regular income source and the legal title to dwelling premises in Poland supplement the application with the following documents:

- Documents confirming the income source (e.g. employment agreement, certificate of employment, PIT form)
- Legal title to dwelling premises (e.g. lease agreement).

Knowledge of the Polish Language

While filing the application for recognition as a Polish citizen through a Province Governor, the foreigner has to prove the knowledge of the Polish language. They may enclose with the application a certificate of graduation from a Polish school, from a school abroad (with Polish as language of instruction) or a certificate confirming the knowledge of the Polish language.

Such a certificate is issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language (Państwowa Komisja Poświadczania Znajomości Języka Polskiego Jako Obcego, www.buwiwm.edu.pl/certyfikacja/ - website only in the Polish language version). This institution carries out exams in various cities in Poland. Exams may be taken against payment, the cost is about EUR 80. In 2012, exams from the B1 level up were carried out (communicative knowledge of language).

When the application concerns children

The application for recognition as a Polish citizen or for Polish citizenship for children below 18 years of age may be filed by legal guardians of the child. A child above 16 years of age additionally has to give its consent.

A foreigner applying for Polish citizenship or recognition as a Polish citizen, additionally indicates personal details of the child in the application.

Citizenship for Children

The grant of Polish citizenship to parents or recognising them as Polish citizens extends on children remaining under their parental authority (if they have not attained the age of 18). A child above 16 years of age has to give its consent to being granted Polish citizenship.

If only one parent of the child acquires Polish citizenship, this decision covers the child on condition that the other parent officially agrees to it (unless the other parent has no parental authority over the child).

Parentless Children

A child becomes a Polish citizen if it is born on the territory of Poland and its parents are unknown. In that case the application on behalf of the child is filed by a legal guardian appointed by the court.

Children whose parents are stateless

A child born in Poland also acquires Polish citizenship by virtue of law if its parents are stateless or their citizenship is not determined.

Appeals and dates

Decision concerning recognition as a Polish citizen is subject to appeal at the Ministry of Interior (through a Province Governor) within 14 days from decision delivery. The application in the first instance should be considered within 60 days. Pursuant to Article 35 § 5 of the Code of Administrative Procedure, deadlines set down by law for particular acts,

including the time of taking a stance by consultative bodies, periods during which proceedings are suspended and delays caused by one of the parties or factors that are beyond the control of the body shall not be counted in calculating the above deadlines.

The decision of the President of Poland on granting Polish citizenship is not subject to appeal. The decisions of the President of the Republic of Poland do not include statement of grounds. The waiting time for the decision of the President of the Republic of Poland is usually 2-3 years.

Double citizenship

Polish law allows the Polish citizen to be simultaneously a citizen of another state. While staying on the territory of Poland, such a person is always treated as a citizen of Poland (the other citizenship is not taken into account).

It cannot be any longer required that a foreigner renounce their previous citizenship prior to acquiring Polish citizenship. However, legislation of some other states does not allow their citizens to have double citizenship. Sometimes, acquiring Polish citizenship may entail the loss of the previous citizenship.

Loss of Polish citizenship

A Polish citizen may lose Polish citizenship only on their own request in the form of application to the President of Poland filed through a Province Governor or a consul.

Loss of citizenship occurs within 30 days from the date of the President's issuing the decision on granting consent for citizenship renunciation. The President will not grant such a consent if a given person is not a citizen of any other state or no promise to grant such citizenship has been issued with regard to such a person.

Things worth knowing:

- Province Governor, when considering an application for recognition as a Polish citizen, and the Minister of Interior, prior to passing an application for Polish citizenship to the President of the Republic of Poland, refer to the Police Commander in Chief and Internal Security Agency Executive as well as to other bodies, if necessary, for information pertaining to the foreigner.
- Recognition as a Polish citizen may not be granted to a foreigner if it could endanger the defensive capability or state security or public safety and policy.

- If a foreigner files an application for recognition as a Polish foreigner and then applies for Polish citizenship, the recognition as a Polish citizen procedure will be discontinued.

Based on the provisions of:

The Act of 2 April 2009 on Polish Citizenship. (Journal of Laws of 2012, item 161).

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www.interwencjaprawna.pl

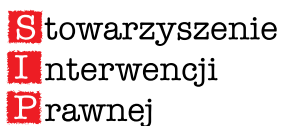
Mazowieckie Province Governor

www.mazowieckie.pl

Polish Migration Forum

www.forummigracyjne.org

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