

LAW ON POLISH CITIZENSHIP¹

[Unofficial translation]

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26-05-2001 amended in the Journal of Laws, No.01.42.475 art. 2

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01-09-2003 amended in the Journal of Laws, No.03.128.1175 art. 150

01-10-2005 amended in the Journal of Laws, No.05.94.788 art. 4

24-07-2006 amended in the Journal of Laws, No.06.104.708 art. 141

26-08-2006 amended in the Journal of Laws, No.06.144.1043 art. 83

01-10-2006 amended in the Journal of Laws, No.06.104.711 art. 5

20-07-2007 amended in the Journal of Laws, No.07.120.818 art. 2

SECTION 1 - POLISH CITIZENS

Art. 1. Persons having Polish citizenship under current regulations become Polish citizens on the day the Law comes into force.

Art. 2. A person who is a Polish citizen under Polish law cannot be recognized at the same time as a citizen of another state.

Art. 3. 1. Conclusion of marriage by a Polish citizen with a person who is not a Polish citizen does not effect the citizenship of either the husband or the wife.

2. Change of citizenship of either the husband or the wife does not effect the citizenship of the other.

SECTION 2 - ACQUISITION OF POLISH CITIZENSHIP

Art. 4. The acquisition of Polish citizenship by birth occurs when:

1) both parents are Polish citizens, or

¹ Source: <http://www.legislationline.org/>. Sections of the text amended by Dorota Pudzianowska.

2) when only one of them is a Polish citizen and the other is unknown or his/her citizenship is undetermined or he/she has no citizenship.

Art. 5. When both parents are unknown or their citizenship is undetermined, or they have no citizenship, their child shall acquire Polish citizenship only if it is born or was found on Polish territory.

Art. 6. 1. The child of parents, one of whom is a Polish citizen and the other a citizen of another state, acquires Polish citizenship by birth. However the parents can, within three months from the child's birth, submit to a competent authority their concordant declaration stating that they choose for their child the citizenship of the foreign state of which one of the parents is a citizen, if under the law of the foreign state, that child will acquire its citizenship.

2. If the parents do not come to an agreement, then within three months from the child's birth either one of them can apply to a Polish Court for a judgement.

3. A child which acquired foreign citizenship in accordance with point 1 or 2 shall acquire Polish citizenship if between its sixteenth birthday and six months after it has reached full legal age (s) he submits an appropriate declaration to a competent Polish authority and that authority decides to accept such declaration.

Art.7. 1. Changes with regards to establishing a person or determining the citizenship of one or both of the parents shall be taken into consideration when determining the citizenship of the child, if these changes occur within twelve months after the child's birth. The three months period of which mention is made in article 6, point 1 and 2 shall commence on the day the changes were determined.

2. Changes with regards to establishing the father, resulting from a Court decision based on a claim to exclude fatherhood or the annulment of recognition, are subject to consideration when determining the child's citizenship, unless the child has reached the full legal age. If the child is sixteen years of age or over, change in citizenship can only be effected with the consent of the child.

Art. 8.1. A foreign citizen may be granted Polish citizenship at his/her request provided that he/she has been residing in Poland for at least five years on a basis of a leave to settle in the territory of the Republic of Poland or permit as a long-term resident of the European Community or who was granted a permanent residence permit to live in the Republic of Poland.

2. In special justified instances a foreign citizen may be granted Polish citizenship at his/her request although he/she does not meet the requirements specified in point 1.

3. Granting Polish citizenship may be dependant on submitting evidence of loss of or release from foreign citizenship.

4. Granting Polish citizenship to both parents covers also children remaining under their parental authority.

5. Granting citizenship to only one of the parents covers the children only when:

- 1) the children remain only under the parental authority of that parent, or
- 2) the other parent is a Polish citizen, or
- 3) the other parent submits to a competent authority his consent for the child to be granted Polish citizenship.

6. Children remaining under guardianship may be granted Polish citizenship only with the consent of the guardian expressed in a special declaration submitted to the appropriate authority after requirements of the appropriate foreign law have been fulfilled.

7. The granting or extension of the granting of Polish citizenship to children, who are sixteen years of age or over shall take place only with the consent of the children.

Art.9. 1. A person who has no citizenship or whose citizenship is undetermined can be acknowledged as a Polish citizen if that person has been residing in Poland on a basis of a leave to settle in the territory of the Republic of Poland or permit as a long-term resident of the European Community, for at least five years.

2. Recognition of a person as a Polish citizen takes place upon a motion submitted by that person.

3. Recognition of a person as a Polish citizen covers the children of the person recognized as a Polish citizen if the children are residing in Poland.

4. Provisions of article 8, point 4 - 7 are appropriately applied.

Art.10. 1. A foreigner who has been married to a Polish citizen for at least three years, who was granted a leave to settle in the territory of the Republic of Poland or permit as a long-term resident of the European Community or who was granted a permanent residence permit to live in the Republic of Poland, shall acquire Polish citizenship if, within the time specified at point 1 a, he/she makes an appropriate declaration before a competent body and this body issues a decision accepting the declaration.

1a. The deadline for making the declaration of will is three years and six months from the day when the foreigner married a Polish citizen or six months from the day when the foreigner was granted a leave to settle in the territory of the Republic of Poland or permit as a long-term resident of the European Community or who was granted a permanent residence permit to live in the Republic of Poland.

2. The acceptance of the declaration may depend on furnishing proof that a person lost his/her foreign citizenship or was exempted from it.

Art.11. 1. A person who lost Polish citizenship by acquiring foreign citizenship due to a marriage to a foreigner or in relation to such a marriage shall regain Polish citizenship if, after this marriage has ended or been invalidated, this person makes an appropriate declaration before a competent body and this body issues a decision accepting the declaration.

2. The acceptance of the declaration may depend on furnishing proof that a person lost his/her foreign citizenship or was exempted from it.

Art.12. (deleted)

SECTION 3 - LOSS OF CITIZENSHIP

Art.13.1. A Polish citizen loses his/her Polish citizenship as a result of an application submitted by that person and after receiving the consent of the President of the Republic of Poland to renounce Polish citizenship.

2. Permission to renounce citizenship granted to parents covers also children remaining under their parental authority.

3. Permission to renounce Polish citizenship granted to only one of the parents shall cover children remaining under his/her parental authority when the other parent has no parental authority or when the other parent is not a Polish citizen or when that parent being a Polish citizen submits his consent to a competent authority for the children to lose their citizenship.

4. When the other parent, being a Polish citizen, objects to the extension of the permission to renounce Polish citizenship granted to the first parent to the children or when the parents are unable to reach mutual understanding then each of the parents may apply for judgement to a Polish Court.

5. Permission to renounce Polish citizenship shall cover children over sixteen years of age only with their consent.

Art.14. (deleted)

Art.15. (deleted)

SECTION 4 - COMPETENCE OF AUTHORITIES

Art.16. 1. The President of the Republic of Poland has the authority to grant Polish citizenship and give consent to the resignation from it.

2. Persons residing in the Republic of Poland shall file applications for granting Polish citizenship and for giving consent to the resignation from it through the agency of a competent Province Governor, and persons residing abroad - through the agency of a consul.

3. The Province Governor and consul, subject to point 5, shall deliver the applications referred to at point 2 as well as present their own opinion to the Minister for internal affairs.

4. The Minister for internal affairs shall deliver the applications referred to at point 2 and present his/her own opinion to the Office of the President of the Republic of Poland.

5. The Province Governor and consul shall deliver the applications referred to at point 2 directly to the Office of the President of the Republic of Poland each time the President decides so.

6. The Province Governor and consul shall notify the Minister for internal affairs about the delivery of the applications referred to at point 2 to the Office of the President of the Republic of Poland in the cases specified at point 5.

Art. 17. 1. Decisions about declaring a person to be a Polish citizen shall be issued by the Province Governor, unless the provisions of other Acts stipulate otherwise.

2. Decisions concerning the issues specified in art. 6 point 3 and articles 10 and 11 shall be issued by:

1) a territorially competent Province Governor - in relation to persons residing in Poland,

2) a consul of the Republic of Poland - in relation to persons residing abroad.

3. The declaration including an intention to choose Polish citizenship referred to in art. 6 point 1 and -the declaration of consent to the acquisition of Polish citizenship referred to in art. 8 point 5 item 3 and point 6 as well as the declaration of consent to the loss of Polish citizenship by children referred to in art. 13 point 3 shall be filed to;

1) a territorially competent Province Governor - by persons residing in Poland,

2) a consul of the Republic of Poland - by persons residing abroad,

4. The possession and loss of Polish citizenship shall be affirmed by the Province Governor. A refusal to assert the possession or loss of Polish citizenship shall be issued by way of an administrative decision.

5. The cases referred to in art. 6 point 2 and art. 13 point 4 submitted to court for a settlement shall be determined by a Polish court. The district court, acting as the guardianship authority, shall have the material jurisdiction. The territorial jurisdiction of the court shall be determined according to the child's place of residence in Poland and, if the child does not have a place of residence in Poland - according to the place of the child's temporary residence in Poland. In default of these bases, the competent court is the District Court for the City of Warsaw.

Art. 17a.1. In the cases belonging to the jurisdiction of the Province Governor and the Minister for internal affairs, these authorities may request the information necessary for the conducted proceedings from the head of police of the Provincial Governor's Office, the Supreme Police Chief, the Head of the Internal Security Agency, the Head of the Intelligence Agency, the Head of the Military Counter-Intelligence Agency, the

Head of the Military Intelligence and the Head of Central Anti-corruption Bureau, and if required from the other authorities.

2. The authorities requested by the Province Governor or the Minister for internal affairs to provide the information are obliged to make them available to the extent necessary to conduct the proceedings within 30 days.

3. In the especially justified cases the deadline mentioned in point 2 may be extended to 3 months, while the authority obliged to provide the information shall inform the Province Governor or the Minister for internal affairs respectively.

Art. 18. The territorial competence of the Province Governor - in the cases referred to in art. 17 point 4 - shall depend on the following factors in the following order: the place of residence of the person which the proceedings relate to, the place of this person's temporary residence, the place of his/her last residence or stay. In default of these bases, the competent body shall be the Warsaw Province Governor.

Art. 18a. The President of the Republic of Poland shall issue an ordinance specifying a detailed procedure to be followed in cases concerning the granting of Polish citizenship or the consent to the resignation from it, as well as specimen certificates and applications.

Art. 18b.(deleted)

SECTION 4a - REGISTERS

Art. 18c. 1. The Province Governor and the consul of the Republic of Poland shall keep registers of:

- 1) applications for the acquisition of Polish citizenship and persons who acquired it,
- 2) applications for the consent to the resignation from Polish citizenship and persons who lost Polish citizenship,
- 3) declarations of foreign citizenship chosen for the child.

2. The register referred to at point 1 item 1 shall include the following information: date of filing the application, applicant's first name(s), surname and family name before marriage, parents' first names and surnames, date and place of birth, place of residence, previous citizenship or present citizenship other than Polish; notes of the proof furnished that a person lost foreign citizenship, first name and surname of the child which, the application refers to, notes of consent given by a child who reached the age of sixteen, legal grounds on which a person acquired Polish citizenship and the date when it was acquired.

3. The register referred to at point 1 item 2 shall include the following information: date of filing the application, applicant's first name(s), surname and family name before marriage, parents' first names and surnames, date and place of birth, place of residence, first name and surname of the child which the application refers to, notes of consent given by a child who reached the age of sixteen, notes of foreign citizenship

or a promise that a person will acquire foreign citizenship, legal grounds on which a person lost Polish citizenship and the date when it was lost.

4. The register referred to at point 1 item 3 shall include the following information: date of filing a declaration that foreign citizenship was chosen for the child, child's first name(s), surname, parents' first names and surnames, date and place of the child's birth, place of residence, notes of the foreign citizenship chosen for the child.

Art. 18d. 1. Copies of the certificates concerning Polish citizenship issues which include the information specified in art. 18c point 2 and 3 shall be delivered by the Office of the President of the Republic of Poland to the bodies referred to in art. 18c point 1.

2. Copies of the decisions concerning Polish citizenship made by the President of the Republic of Poland shall be delivered by the Office of the President of the Republic of Poland to the Minister for internal affairs.

Art. 18e.1. The Minister for internal affairs shall keep the central register of information concerning the acquisition or loss of Polish citizenship based on the documents referred to in art. 18d and the information received from the bodies authorized to keep registers concerning these issues.

2. The bodies authorized to keep the registers referred to in art. 18c point 1 shall deliver the data contained in them to the Minister for internal affairs immediately after the final determination of the case concerning the acquisition or loss of Polish citizenship.

3. The register referred to at point 1 shall include the information specified in art. 18c point 2,3 and 4.

Art. 18f. (revoked)

Art. 18g. 1. The Minister for internal affairs, in agreement with the minister for foreign affairs, shall issue an ordinance specifying:

- 1) specimen registers referred to in art. 18c and art. 18e,
- 2) deadlines and manners of delivering information to the central register of information on the acquisition or loss of Polish citizenship.

2. The registers referred to in art. 18c and art. 18e may be kept particularly in computer systems.

SECTION 5 - TRANSITIONAL AND FINAL PROVISIONS

Art. 19. Persons who acquired Polish citizenship under the provisions of articles 2a and 3, item 2 of the Law of Polish Citizenship dated January 20, 1920 (Journal of Laws No. 7, item 44 with amendments) shall not be deemed as Polish citizens if they have citizenship of a foreign state and reside abroad.

Art.20. This Law replaces the Law of January 8, 1951 on Polish citizenship. (Journal of Laws, No. 4, item 25).

Art.21. This Law comes into force six months after its announcement.