

This document is an unofficial translation of the Law on Polish Citizenship of 2 April 2009 ('Ustawa z dnia 2 kwietnia 2009 r. o obywatelstwie polskim'), which was published on 14 February 2012 and entered into force entirely on 15 August 2012.

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Law
of 2 April 2009
on Polish Citizenship

(Official Journal of the Republic of Poland, 14 February 2012 item 161)

Chapter 1
General Provisions

Article 1. The Law stipulates the principles, conditions and procedures governing the acquisition and loss of Polish citizenship as well as the certification of citizenship and the certification of the loss of citizenship and regulates the competence of public authorities concerning such matters.

Article 2. On the day of the entry into force of this Law, Polish citizens are considered to have acquired Polish citizenship as under relevant regulations in force.

Article 3.

1. The Polish citizen who is also the citizen of another country shall enjoy the same rights and shall be liable to the same duties in respect of the Republic of Poland as any other person holding Polish citizenship only.

2. In relation to the Republic of Poland, a Polish citizen shall not obtain any legal effect from relying on the citizenship of another state or on the rights and duties arising thereunder.

Article 4. Polish citizenship shall be acquired:

- 1) by the force of law (ex lege);
- 2) through conferment;
- 3) through acknowledgment of Polish citizenship;
- 4) through restitution of Polish citizenship.

Article 5. Entering into a marriage contract by a Polish citizen with a citizen of another State shall not produce any effect in respect of the citizenship of the spouses.

Article 6. 1. Any changes concerning the identity or the citizenship of one or both parents shall only be relevant to the determination of the citizenship of the child in as much as such changes occur within a year of the date of birth of the child.

2. Any changes concerning the identity of the father arising under a final court judgment issued in the procedure for the denial of paternity or cancellation of recognition of parentage shall only be relevant in the determination of the citizenship of the minor within 18 years of

the date of birth whereas the minor's consent shall be required for such relevance as of 16 years of age.

Article 7. 1. The conferral of Polish citizenship, the acknowledgment of Polish citizenship, or the loss of Polish citizenship following the consent to renounce Polish citizenship extend from parents to a minor under their authority.

2. The conferral of Polish citizenship, the acknowledgment of Polish citizenship, or the loss of Polish citizenship following the consent to renounce Polish citizenship extend from a parent to a minor under such parent's authority when:

- 1) the other parent does not enjoy parental authority over the minor;
- 2) the other parent issues a relevant declaration consenting to the acquisition or loss of Polish citizenship by the minor.

Article 8. The formal consent by **the minor who has reached the age of 16 shall be required for the** conferral of Polish citizenship, the acknowledgment of Polish citizenship, or the loss of Polish citizenship following the consent to the parents to renounce Polish citizenship .

Article 9. Declarations, as under this Law, in matters concerning the acquisition and loss of Polish citizenship shall be recorded in the minutes of proceedings made by:

- 1) the Regional Governor [*wojewoda*] territorially competent in respect of the place of residence of the Polish citizen residing within the territory of the Republic of Poland and in respect to the alien legally residing within the territory of the Republic of Poland unless such residence is legal under a visa or under a no-visa travel agreement;
- 2) the Consul – in respect of persons residing abroad.

Article 10. 1. Conferment of Polish citizenship and the consent to renouncing Polish citizenship shall be governed by the Code of Administrative Procedure and the Law of 30 August 2002 – Law on Procedure before Administrative Courts (OJ No. 153, item 1270, as amended) only to the extent provided by Article 28.5 and Article 53 of this Law.

2. Unless otherwise specified, the obligations and competences of the Consuls in respect of matters regulated by this Law shall be governed by the Law of 13 February 1984 on the Functions of the Consuls of the Republic of Poland (OJ of 2002, No. 215, item 1823, as amended).

3. The Code of Administrative Procedure shall govern matters other than those specified in Article 10.1 and Article 10.2, unless the Law provides otherwise.

4. In matters in which the Regional Governor is competent, the Minister for the Interior shall be the 'directly superior authority' within the meaning of the Code of Administrative Procedure.

Article 11. The Regional Governor and the Minister for the Interior shall have the power to refuse to give reasons for their decision made under this Law in as much as internal and external security of the State or the preservation of internal security and order so requires.

Article 12. Any application, declaration or documents required in procedures regulated by this Law shall be made in Polish or shall be filed along with a Polish translation made or certified by a sworn translator or by a Consul, unless an international agreement entered into by the Republic of Poland provides otherwise.

Article 13. 1. The credentials of the alien, minor, applicant, person or ancestors required under Article 20.1 item 1 and Article 20.2 item 1, Article 33.1 item 1 Article 33.2 item 1, Article 40.1 item 1, Article 48.1 item 2 and Article 48.2 item 1 and Article 56.1 shall include the following items:

- 1) name (names) and surname;
- 2) family name at birth;
- 3) date and place of birth;
- 4) name and surname of the father;
- 5) name and maiden name of the mother;
- 6) sex;
- 7) citizenship;
- 8) marital status;
- 9) PESEL number [number under the Universal Electronic Population Registration System], if applicable.

2. The credentials of the spouse of the alien or spouse of the applicant as required under Article 20.1 item 7, Article 33.1 item 4 and Article 48.1 item 4 shall include the following items:

- 1) name (names) and surname;
- 2) citizenship.

Chapter 2

Automatic Acquisition of Polish Citizenship

Article 14. The child shall acquire Polish citizenship at birth when:

- 1) at least one of the parents has Polish citizenship;
- 2) the child is born within the territory of the Republic of Poland of parents who are unknown, stateless or whose citizenship cannot be determined.

Article 15. The child of parents unknown shall acquire Polish citizenship when found within the territory of the Republic of Poland.

Article 16. The minor shall acquire Polish citizenship by legal authority when adopted by a Polish national or by Polish nationals and the full adoption takes effect before the child reaches 16 years of age; thereupon the minor shall be deemed to have acquired Polish citizenship at birth.

Article 17. The acquisition of Polish citizenship by repatriation shall be governed by the Law of 9 November 2000 on Repatriation (OJ of 2004, No. 53, item 532, as amended).

Chapter 3

Conferment of Polish Citizenship

Article 18. The President of the Republic of Poland shall confer Polish citizenship on aliens.

Article 19. 1. The conferral of Polish citizenship is conditional on the application by the alien.

2. The conferral of Polish citizenship on a minor is conditional on the application by the alien's statutory guardians.

3. In cases of disagreement between statutory guardians, any such guardian shall be able to request a relevant court order.

Article 20. 1. The application for the conferral of Polish citizenship shall include the following elements:

- 1) the alien's credentials;
- 2) address of the place of residence;
- 3) information concerning the parents of the alien as well as other ancestors when such ancestors had Polish citizenship;
- 4) information concerning possession of Polish citizenship in the past, past loss of the Polish citizenship, as well as the date of the acquisition of the citizenship of another State;
- 5) information concerning the alien's sources of income, the alien's professional achievements, and the alien's political and social activity;
- 6) information concerning the command of the Polish language by the alien;
- 7) credentials of the alien's spouse;
- 8) information concerning earlier applications for the conferral of Polish citizenship;
- 9) reasons supporting the application.

2. The alien who has authority over a minor alien shall set the following additional information in the application:

- 1) the credentials of the minor;
- 2) information if and before which authority relevant declarations concerning the consent for the acquisition of citizenship by the minor – as required under Article 7.2 item 2 and Article 8 – were made.

3. The application by the statutory guardian for the conferral of Polish citizenship on a minor alien shall specify the data and information stipulated in Article 20.1 items 1, 3-6, 8 & 9 as well as in Article 20.2 item 2. The application shall specify the name and surname and the address of the place of residence of the statutory guardian.

4. The application for the conferral of Polish citizenship shall be appended with the following attachments:

- 1) documents attesting the data and information set forth in the application as required under Article 20.1 items 1, 5, 7 or Article 20.2;
- 2) any documents attesting the information set forth in the application as required under Article 20.1 items 3 & 4;
- 3) photographs of persons concerned by the application.

5. The specimen of the application form for the application for the conferral of Polish citizenship shall be specified by legal regulations as provided for by Article 29.1.

Article 21. 1. The application for the conferral of Polish citizenship shall be filed through the Regional Governor or through the Consul in person or by correspondence when the signature is duly certified. Article 9 applies accordingly.

2. If the application does not meet the requirements as under Article 20.1, 20.2 or 20.3 or is incomplete as to the attachments required under Article 20.4, the authority which accepts the application shall address the applicant requiring that the application be made good conforming to the requirements and informing of the term of 30 days failing which the incomplete application shall be discontinued.

3. The Regional Governor and the Consul shall transfer the application onto the President of the Republic through the Minister for the Interior. The application and documents duly attached thereto as under Article 20.4 transferred to the Minister for the Interior shall be appended with an opinion issued by the Regional Governor or the Consul.

4. The Minister for the Interior shall address the Chief Police Constable [*Komendant Główny Policji*], the President of the Internal Security Agency [*Agencja Bezpieczeństwa*

Wewnętrznego] and any other authorities as required by the circumstances of the case requesting any information that might be relevant to the conferral of Polish citizenship. The written opinion of the Minister for the Interior shall be appended to the application before the file is transferred to the President of the Republic.

5. The State authorities mentioned in Article 21.4 shall respond in writing within 30 days of the request by the Minister for the Interior. The term can be prolonged up to 3 months by the authority if special circumstances of the case so require and that the Minister for the Interior is duly informed of such a prolongation.

Article 22. 1. If the documents attached to the application for the conferral of Polish citizenship justify the suspicion that the applicant might be a Polish citizen, the Regional Governor shall initiate *motu proprio* the procedure for the confirmation of Polish citizenship.

2. If the documents attached to the application for the conferral of Polish citizenship justify the suspicion that the applicant might already be a Polish citizen, the Consul, the Minister for the Interior and the President of the Republic shall address the Regional Governor requesting the opening of the procedure for the confirmation of Polish citizenship.

3. If the proceedings concerning the confirmation of Polish citizenship result in the finding that the applicant for the conferral of Polish citizenship holds Polish citizenship, the Regional Governor shall issue a decision confirming Polish citizenship, which shall discontinue the procedure concerning the conferral of Polish citizenship.

Article 23. If the application for the conferral of Polish citizenship is filed concurrently with proceedings concerning the same person's application for the acknowledgment of Polish citizenship or restitution of Polish citizenship, any such proceedings concerning acknowledgment of Polish citizenship or restitution of Polish citizenship shall be discontinued.

Article 24. 1. The Regional Governor, the Consul and the Minister for the Interior shall transfer the application for the conferral of Polish citizenship directly onto the President of the Republic of Poland at the request of the President and regardless of the stage of proceedings.

2. In the case regulated in Article 24.1 hereinabove, the Regional Governor and the Consul shall inform the Minister for the Interior of the direct transfer of the application for the conferral of Polish citizenship to the President of the Republic of Poland.

Article 25. 1. The President of the Republic of Poland shall confer Polish citizenship or refuse to confer Polish citizenship by the way of a Resolution.

2. The Secretary of the Chancellery of the President of the Republic of Poland shall deliver a copy of the Resolution mentioned in Article 25.1 to the Minister for the Interior.

Article 26. The applicant shall obtain Polish citizenship at the date of the Resolution on conferral of Polish citizenship by the President of the Republic of Poland.

Article 27. 1. The Secretary of the Chancellery of the President of the Republic of Poland shall prepare the Acts of Conferral of Polish Citizenship and the Information concerning the Refusal to Confer Polish Citizenship.

2. The Act of Conferral of Polish Citizenship and the Information on the Refusal to Confer Polish Citizenship regulated in Article 27.1 hereinabove shall contain the following elements:

- 1) information on the contents of the Resolution of the President of the Republic of Poland, and date and number of issuance;
- 2) the credentials of the alien who is the subject of the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship:
 - a) name (names) and surname,
 - b) date and place of birth,
 - c) the names of the father and the mother;
- 3) indication of the authority issuing the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship as well as the date of the issuance or the date of communication thereof.

Article 28. 1. For the purpose of communicating the documents onto the applicant, the Secretary of the Chancellery of the President of the Republic of Poland shall transfer the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship to:

- 1) the Minister for Foreign Affairs when the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship is addressed to an alien whose application for the conferral of Polish citizenship was filed through the Consul;
- 2) the Regional Governor with whom the application for the conferral of Polish citizenship was filed.

2. The Minister for Foreign Affairs shall inform without undue delay the applicant of the conferral or refusal to confer Polish citizenship through the Consul with whom the application for the conferral of Polish citizenship had been filed. Such information can be transmitted using any technology designed for the reading and writing of sign languages on paper medium or using telecommunication networks.

3. The Minister for Foreign Affairs shall deliver the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship to the applicant through the Consul with whom the application for the conferral of Polish citizenship had been filed.

4. The Regional Governor with whom the application for the conferral of Polish citizenship had been filed shall deliver the Act of Conferral of Polish Citizenship or the Information concerning the Refusal to Confer Polish Citizenship to the applicant.

5. Communications and deliveries regulated in Article 28.4 are governed by relevant provisions of the Code of Administrative Procedure.

Article 29. 1. The President of the Republic of Poland shall set forth by a Regulation the specimen of the application form for the application to confer Polish citizenship as well as specify the technical requirements for the photographs appended to the application as well as set forth the specimen of the Act of Conferral of Polish Citizenship and the specimen of the Information concerning the Refusal to Confer Polish Citizenship.

2. The application form of the application for conferral of Polish Citizenship shall include elements set forth in Article 20.1-3.

3. The specimen of the Act of Conferral of Polish Citizenship and the specimen of the Information concerning the Refusal to Confer Polish Citizenship shall include elements set forth in Article 27.2.

Chapter 4 Acknowledgment of Polish Citizenship

[*Uznanie za obywatela polskiego*]

Article 30. 1. The following aliens shall be recognized as Polish citizens:

- 1) the alien who has resided over the period of at least 3 years within the territory of the Republic of Poland, where such an uninterrupted residence is legal under a permit to settle [*zezwole nie na osiedlenie się*], a long term resident's EC residence permit [*zezwole nie na pobyt rezydenta długoterminowego Wspólnot Europejskich*], or a right of permanent residence [*prawo stałego pobytu*], and who has a stable and regular source of income and a legal title to inhabitable premises within the territory of the Republic of Poland;
- 2) the alien who has resided over a period of at least 2 years within the territory of the Republic of Poland, where such an uninterrupted residence is legal under a permit to settle, a long term resident's EC residence permit, or a right of permanent residence, and who:
 - a) is married to a Polish citizen for the period of at least 3 years, or
 - b) is a stateless person;
- 3) the alien who has resided continuously on the territory of the Republic of Poland for at least 2 years, pursuant to an permit to settle associated with the refugee status granted in the Republic of Poland;
- 4) the alien minor in the parental custody of a Polish citizen and who has resided uninterruptedly within the territory of the Republic of Poland legally under a permit to settle, a long term resident's EC residence permit, or a right of permanent residence, whereas the other custodial parent is not a Polish citizen and has duly declared consent to the acknowledgment of Polish citizenship of the minor;
- 5) the alien minor in the parental custody of a Polish citizen whose Polish citizenship has been restored if the minor resides legally within the territory of the Republic of Poland pursuant to a permit to settle, a long term resident's EC residence permit, or a right of permanent residence, whereas the other custodial parent is not a Polish citizen and has duly declared consent to the acknowledgment of Polish citizenship of the minor;
- 6) the alien who has resided uninterruptedly and legally within the territory of the Republic of Poland over the period of at least 10 years and who meets all of the following conditions:
 - a) has a permit to settle, a long term resident's EC residence permit, or a right of permanent residence,
 - b) has a stable and regular source of income and a legal title to inhabitable premises in the Republic of Poland;
- 7) the alien who has resided uninterruptedly within the territory of the Republic of Poland over the period of at least 2 years, where such residence is legal under an permit to settle issued in connection to Polish descent.

2. For the citizenship to be acknowledged, the alien shall prove linguistic skill by the official certificate regulated in Article 11a of the Law of 7 October 1999 r. on the Polish Language (OJ No. 90, item. 999, as amended), a certificate of general education issued by a school in the Republic of Poland or any other school where Polish is the language of instruction. This requirement does not apply to minors as regulated by Article 30.1 item 4 & 5.

3. The uninterrupted character of residence within the territory of the Republic of Poland shall be established under Article 64.4 of the Law of 13 June 2003 on Aliens (OJ of 2006, No. 234, item 1694, as amended) applied accordingly.

Article 31. The alien shall not be acknowledged as a Polish citizen if:

- 1) the criteria regulated in Article 30 do not obtain;
- 2) the acquisition of Polish citizenship is deemed to constitute a threat to the external security or defense of the state or to the public security and order.

Article 32. 1. Acknowledgment of Polish citizenship shall be conditional on application by the alien or by the statutory guardian of the minor.

2. In cases of disagreement between statutory guardians, any such guardian shall be able to request a relevant court order.

Article 33. 1. The application for acknowledgment of Polish citizenship shall contain the following elements:

- 1) the credentials of the alien;
- 2) the address of the place of residence of the alien;
- 3) information on the sources of income within the Republic of Poland, information concerning the premises inhabited by the applicant, as well as on the applicant's professional achievements and social and political activities;
- 4) the credentials of the spouse of the alien;
- 5) information on any past applications for Polish citizenship and on the loss of Polish citizenship in the past;
- 6) reasons supporting the acknowledgement of Polish citizenship.

2. If the applicant has a minor in his custody, the following information shall be appended to the application:

- 1) the credentials of the minor;
- 2) information if and before which authority relevant declarations concerning the consent for the acquisition of citizenship – as required under Article 7.2 item 2 and Article 8 – were duly made.

3. The application made by the statutory guardian in respect of the acknowledgment of Polish citizenship of a minor alien shall contain the data and information stipulated in Article 33.1 item 1, 3, 5 & 6 and in Article 33.2 item 2. The application shall also state the name and surname, and the address of the place of residence of the statutory guardian.

4. The following attachments shall be required to be appended to the application for the acknowledgment of Polish citizenship:

- 1) documents attesting the data and information provided in the application as required under Article 33.1 item 1, 3 & 4 or Article 33.2;
- 2) any available documents attesting information mentioned in Article 33.1 item 5;
- 3) the official certificate regulated in Article 11a of the Law of 7 October 1999 r. on the Polish Language (OJ No. 90, item. 999, as amended), a certificate of general education issued by a school in the Republic of Poland or any other school where Polish is the language of instruction, where applicable;
- 4) Photographs of the persons subject of the application.

5. The application for the acknowledgment of Polish citizenship shall comply with the application form regulated by the way of a specimen issued in legal provisions as regulated under Article 37.1.

Article 34. The application for the acknowledgment of Polish citizenship shall be filed with the Regional Governor.

Article 35. 1. If the application for the acknowledgment of Polish citizenship is filed concurrently with proceedings following an application for the conferral of Polish citizenship, the acknowledgment procedure shall be discontinued.

2. If the application for the acknowledgment of Polish citizenship is filed concurrently with proceedings following an application for the restitution of Polish citizenship, the acknowledgment procedure shall be suspended pending the conclusion of the proceedings concerning the application for the restitution of Polish citizenship proceedings.

Article 36. 1. The Regional Governor shall issue the decision acknowledging Polish citizenship of the applicant; the territorial competence of the Regional Governor is triggered by the place of residence of the applicant.

2. Before issuing the decision regulated in Article 36.1, the Regional Governor shall address the Chief Police Constable [*Komendant Główny Policji*], the territorially-relevant President of the Territorial Office of the Internal Security Agency [*Agencji Bezpieczeństwa Wewnętrznego*] and any other authorities as required by the circumstances of the case requesting any information relevant to making the decision if the acquisition of Polish citizenship by the applicant through acknowledgment constitutes a threat to the external security or defense of the state or to the public security and order.

3. The information requests regulated in Article 36.2 are governed by Article 21.5 accordingly whereas the decision in respect of prolongation of the time-limit for the information shall be communicated to the Regional Governor.

Article 37. 1. Minister for the Interior shall set forth by a Regulation the specimen of the application form for the application for acknowledgment of Polish citizenship and the technical requirements for the photographs appended to the application.

2. The specimen of the application form for the application for the acknowledgment of Polish citizenship shall include elements stipulated by Article 33.1-3.

Chapter 5

Restitution of Polish Citizenship

Article 38. 1. Polish citizenship shall be restituted to aliens upon an application if Polish citizenship had been lost before 1 January 1999 under the following regulations:

- 1) Article 11 or 13 of the Law of 20 January 1920 on the Citizenship of the Polish State (OJ No. 7, item 44, as amended),
- 2) Article 11 or 12 of the Law of 8 January 1951 on Polish citizenship (OJ No. 4, item 25),
- 3) Article 13, 14 or 15 of the Law of 15 February 1962 on Polish Citizenship (OJ of 2000, No. 28, item 353, as amended)

2. Polish citizenship shall not be restituted to the alien where the citizenship had been lost as a consequence of the following events:

- 1) the alien voluntarily joined the military of the countries of the Axis Alliance or their allies in the period between 1 September 1939 and 8 May 1945;
- 2) the alien assumed a public office in the services of the countries of the Axis Alliance or their allies in the period between 1 September 1939 and 8 May 1945;

- 3) the alien participated in activities to the detriment of Poland, especially to the detriment of Poland's independence and sovereignty, or participated in violating human rights.

3. Polish citizenship shall not be restituted where such a restitution is deemed to constitute a threat to the external security or defense of the state or to the public security and public order.

Article 39. 1. Polish citizenship is restituted by the Minister for the Interior by the way of a Decision.

2. The Polish citizenship shall be deemed acquired on the date when the Decision on Restitution of Polish citizenship becomes final.

Article 40. 1. The alien – as provided under Article 38.1 – shall file the application for the restitution of Polish citizenship and the application shall state the following elements:

- 1) the credentials of the alien;
- 2) the address of the place of residence;
- 3) a statement stating the fact of having held and lost Polish citizenship as well as stating the circumstances of such loss;
- 4) the address of the place of residence within the territory of the Republic of Poland before the loss of the Polish citizenship;
- 5) a *curriculum vitae*.

2. The application for the restitution of Polish citizenship shall be appended with the following attachments:

- 1) documents attesting the identity and citizenship of the applicant;
- 2) documents attesting the change of name and surname if applicable;
- 3) any documents attesting the loss of Polish citizenship;
- 4) a photograph of the person subject to the application.

3. The application for the restitution of Polish citizenship shall be filed according to the application form the specimen of which shall be specified by a legal regulation issued under Article 45.1.

Article 41. 1. If the application for the restitution of Polish citizenship is filed concurrently with proceedings concerning the same person's application for the conferral of Polish citizenship, proceedings concerning the restitution of Polish citizenship shall be discontinued.

2. If the application for the restitution of Polish citizenship is filed concurrently with proceedings concerning the same person's application for the acknowledgment of Polish citizenship, such proceedings concerning acknowledgment of Polish citizenship of Polish citizenship shall be suspended pending the conclusion of proceedings concerning the application for restitution of Polish citizenship.

Article 42. 1. The application for the restitution of Polish citizenship shall be filed with the Minister for the Interior. The alien resident outside the territory of the Republic of Poland shall file the application for the restitution of Polish citizenship through a Consul territorially competent in respect of the place of residence of the applicant.

2. The Consul shall transfer the application for the restitution of Polish citizenship as well as documents appended thereto as required under Article 40.2 alongside with any relevant information and documents available to the Consul's services without undue delay to the Minister for the Interior.

Article 43. 1. Before issuing the decision provided for in Article 39.1, the Minister for the Interior shall address the Chief Police Constable, the President of the Internal Security Agency and any other authorities as required by the circumstances of the case requesting any information relevant to making the decision if the acquisition of Polish citizenship by the applicant constitutes a threat to the external security or defense of the state or to the public security and public order as well as any information relevant to making the decision that the applicant for the restitution of Polish citizenship did not participate in activities to the detriment of Poland – and especially to Poland’s independence and sovereignty –and did not participate in violating human rights.

2. Before issuing the decision provided for under Article 39.1, the Minister for the Interior shall address the President of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation [Prezes Instytutu Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu] requesting any information concerning the contents of the documents concerning the applicant for the restitution of Polish citizenship and the delivery thereof.

3. The authorities obligated under Article 43.1 & 43.2 shall communicate requested information in writing within 30 days of receipt of the request. In certain cases, the time-limit can be prolonged to 3 months when such prolongation is justified by special circumstances; the relevant authority shall inform the Minister for the Interior of such a prolongation.

Article 44. 1. If the documents appended to the application for the restitution of Polish citizenship justify the suspicion that the applicant already holds Polish citizenship, the Minister for the Interior and the Consul shall transfer the application to the Regional Governor requesting the opening of proceedings concerning the confirmation of Polish citizenship.

2. If the proceedings concerning the confirmation of Polish citizenship result in the conclusion that the applicant holds Polish citizenship, the Regional Governor shall issue a decision confirming Polish citizenship of the applicant and withhold the application for the restitution of Polish citizenship.

Article 45. 1. The Minister for the Interior shall – in coordination with the Minister for Foreign Affairs – specify by a Regulation the specimen of the application form for the application for the restitution of Polish citizenship as well as the technical requirements to be met by the photograph appended to the application.

2. The specimen of the application form shall contain all the elements indicated in Article 40.1.

Chapter 6

Loss of Polish Citizenship

Article 46. Renouncing Polish citizenship, the Polish citizen shall lose Polish citizenship upon the consent of the President of the Republic of Poland for the renunciation of Polish citizenship.

Article 47. 1. The President of the Republic of Poland shall consent or refuse to consent to the renunciation of Polish citizenship upon the application of the citizen.

2. The consent to the renunciation of Polish citizenship by a minor in exclusive custody of parents who are not Polish citizens can only be issued upon the application by statutory guardians.

3. In cases of disagreement between statutory guardians, any such guardian shall be able to request a relevant court order.

Article 48. 1. The application for the consent for the renunciation of Polish citizenship shall contain the following elements:

- 1) statement of the applicant to the effect of renouncing Polish citizenship;
- 2) credentials of the applicant;
- 3) the address of the place of residence of the applicant;
- 4) credentials of the spouse of the applicant;
- 5) information on the last place of residence within the territory of the Republic of Poland if the applicant resides without its territory.

2. The Polish citizen who has the custody of a minor shall specify the following elements in the application:

- 1) the credentials of the minor;
- 2) information if and before which authority relevant declarations concerning the consent for the loss of citizenship – as required under Article 7.2 item 2 and Article 8 – were made.

3. The application made by the statutory guardian for the consent for the renunciation of Polish citizenship by a minor shall contain the elements indicated in Article 48.1 item 1, 2 & 5 and Article 48.2 item 2. The application shall also indicate the name and surname, and address of the place of residence of the statutory guardian.

4. The application shall be appended with the following attachments

- 1) documents attesting the data and information set forth in the application as stipulated in Article 48.2 item 2 & 4 or Article 48.2;
- 2) available documents attesting the Polish citizenship of the applicant;
- 3) documents attesting the citizenship of another country or a promissory document issued by the authorities of another country in respect of granting such citizenship;
- 4) Photographs of persons subject to the application.

5. The application for the consent for the renunciation of Polish citizenship shall be filed on the application form, the specimen of which shall be established by legal regulations issued under Article 54.1.

Article 49. 1. The application for the consent to renouncing Polish citizenship is filed in person or through correspondence if the signature is duly certified with the Regional Governor or the Consul serving as an intermediary. Article 9 applies accordingly.

2. If the application fails to conform to the requirements provided for in Article 48.1- 3 or the application form is not accompanied by the documents required under Article 48.4, the authority with which the application is filed shall address the applicant requesting the rectification of the shortcomings within 30 days of receipt of such an address and indicating the procedure cannot proceed unless the application is complete as to contents and attachments.

3. The Regional Governor and the Consul shall transfer without undue delay the application for consent for renouncing Polish citizenship as well as appended attachments required under Article 48.4 to the President of the Republic through the Minister for the Interior acting as an intermediary.

4. The Minister for the Interior shall address the Chief Police Constable and the President of the Internal Security Agency and other relevant authorities according to the circumstances of the case with the request for information that can be relevant to the decision of consenting to the renunciation of Polish citizenship and shall append the application with a reasoned opinion before transferring the case to the President of the Republic of Poland.

5. The requests for information provided for in Article 49.4 are governed by Article 21.5 accordingly.

Article 50. 1. The Regional Governor, the Consul and the Minister for the Interior shall transfer the application for the consent to renunciation of Polish citizenship directly to the President of the Republic of Poland at the request of the President and regardless of the stage of the proceedings.

2. In the case regulated by Article 50.1, the Regional Governor and the Consul shall inform the Minister for the Interior about such a direct transfer of the application for the consent to renunciation of Polish citizenship to the President of the Republic of Poland.

Article 51. 1. The President of the Republic of Poland shall consent or refuse to consent to the renunciation of Polish citizenship by a Resolution.

2. The loss of Polish citizenship shall take effect 30 days of the date of the relevant Resolution of the President of the Republic of Poland.

3. The loss of Polish citizenship shall take effect after a shorter period of time than the period specified in Article 51.2 if the Resolution of the President of the Republic of Poland so provides.

4. The Secretary of the Chancellery of the President of the Republic of Poland shall transfer a copy of the Resolution regulated in Article 51.1 to the Minister for the Interior.

Article 52. 1. The Secretary of the Chancellery of the President of the Republic of Poland shall prepare Information concerning the Content of the Resolutions Concerning Presidential Consent to the Renunciation of Polish Citizenship.

2. The Information regulated in Article 52.1 shall contain the following elements::

- 1) information concerning the contents of the Resolution of the President of the Republic of Poland, the date of issuance and the number thereof
- 2) the credentials of the person subject to the Information:
 - a) name (names) and surname,
 - b) date and the place of birth,
 - c) the names of the father and of the mother;
- 3) indication of the authority issuing the Information and the date of the Information.

Article 53. The delivery of the Information concerning the Content of the Resolutions Concerning Presidential Consent to the Renunciation of Polish Citizenship shall be governed by Article 28 accordingly.

Article 54. 1. The President of the Republic of Poland shall specify, by the way of a Regulation, the specimen of the application form for the application for the consent to the renunciation of Polish citizenship, the technical requirements concerning photographs appended to the application as well as the specimen Information concerning the Content of the Resolutions Concerning Presidential Consent to the Renunciation of Polish Citizenship.

2. The specimen of the application form for the application for consent to the renunciation of Polish citizenship shall contain all the elements required by Article 48.1-3.

3. The specimen Information concerning the Content of the Resolutions Concerning Presidential Consent to the Renunciation of Polish Citizenship shall contain all the elements required by Article 52.2.

Chapter 7

Confirmation of Citizenship and Confirmation of the Loss of Citizenship

Article 55. 1. The Decision Confirming Polish Citizenship or the Decision Confirming the Loss of Polish Citizenship shall be issued upon a relevant application by the person subject to proceedings or any other person who proves legal interest in obtaining such a decision or a legal obligation to obtain such a decision. The Decision shall be issued by the Regional Governor territorially relevant in respect to the place of residence or the last place of residence within the territory of the Polish Republic of the person subject of the Decision. The Regional Governor of the Mazovia Region shall be competent where the territorial competence does not obtain.

2. Proceedings under Article 55.1 can be initiated ex officio.

Article 56. 1. The application for the confirmation of Polish citizenship or the confirmation of the loss of Polish citizenship shall state the credentials of the person subject to the proceedings as well as information concerning 2 degrees of ancestry and information on circumstances relevant to the factual and legal determinations concerning the case.

2. The person and entity initiating the proceedings by application for the confirmation of Polish citizenship or confirmation of loss of Polish citizenship shall append available documents attesting the data and information stated in the application unless the availability of such documents is subject to obstacles that are difficult to surmount.

Article 57. 1. The application for the confirmation of Polish citizenship or for the confirmation of loss of Polish citizenship shall be filed with the Regional Governor. Persons resident outside of the territory of the Republic of Poland shall file such an application for the confirmation of Polish citizenship or for the confirmation of loss of Polish citizenship through the Consul territorially relevant with respect to the place of residence acting as an intermediary.

2. The Consul shall transfer the application along with any attachments appended thereto without undue delay and append any known and relevant documents and information concerning the person subject to proceedings.

Article 58. The Minister for the Interior – acting in coordination with the Minister for Foreign Affairs – shall determine by a Regulation the specimen of the application form for the application for the Confirmation of Polish Citizenship or for the Confirmation of Loss of Polish Citizenship. The specimen shall contain such elements as the credentials of the person subject to proceedings, the persons ancestry (2 degrees) as well as the information on relevant circumstances essential to the determination of the actual factual and legal situation of the person.

Chapter 8

Registers

Article 59. 1. The Minister for the Interior shall establish and run a central register of acquisition and loss of Polish citizenship (hereinafter: “the Central Register”) as a tele-information system.

2. The Minister for the Interior shall be the administrator of the data processed in the Central Register within the meaning of the Law of 29 August 1997 on the Protection of Personal Data (OJ of 2002, No., item 926, as amended).

3. The Central Register covers the data of the Registers kept for the following proceedings:

- 1) conferral of Polish Citizenship;
- 2) acknowledgment of Polish Citizenship;
- 3) restitution of Polish Citizenship;
- 4) consent to the Renunciation of Polish Citizenship;
- 5) the choice of the citizenship of another state as the citizenship of the minor.

4. The Central Register shall cover data contained in documents mentioned in Article 25.2 and Article 51.4.

Article 60. 1. The Registers mentioned in Article 59.3 item 1 & 4 shall be run by the Minister for the Interior, the Regional Governors and the Consuls, according to their respective competences and powers.

2. The Register mentioned in Article 59.3 item 2 shall be run by the Minister for the Interior and the Regional Governors, according to their respective competences and powers.

3. The Register mentioned in Article 59.3 item 3 shall be run by Minister for the Interior and the Consuls, according to their respective competences and powers.

4. The Register mentioned in Article 59.3 item 5 shall be run by the Regional Governors and the Consuls.

5. The Regional Governor and the Consul shall transfer the data of their registers to the Central Register without undue delay after the data is entered on the relevant Register.

Article 61. The Register regulated in Article 59.3 shall hold:

- 1) information about applications received and decisions made in proceedings concerning Conferral of Polish Citizenship, Acknowledgment of Polish Citizenship, Restitution of Polish Citizenship, Consent to the Renunciation of Polish Citizenship, and the choice of the citizenship of another state as the citizenship of the minor.
- 2) the credentials of persons who acquired and lost Polish citizenship, including the following elements:
 - a) name (names) and surname,
 - b) birth name,
 - c) date and place of birth,
 - d) name and surname of the father,
 - e) name and maiden name of the mother,
 - f) sex,
 - g) citizenship,
 - h) date of acquisition or loss of Polish citizenship,
 - i) PESEL number [number under the Universal Electronic Population Registration System], if applicable.

Article 62. 1. The data and information retained in the Central Register and other Registers regulated in Article 59.3 are governed by all and any applicable law to the extent this Law does not provide otherwise.

2. The data and information retained in the Central Register and the Registers shall be made available – to the extent required for the realization of their statutory tasks and duties – to:

- 1) the authorities of public administration,
- 2) the Police,
- 3) the Boarder Guard,
- 4) the Internal Security Agency,
- 5) the Intelligence Agency,
- 6) the courts,
- 7) the prosecutors,
- 8) the Chancellery of the President of the Republic.

3. The data and information retained in the Central Register and other Registers regulated in Article 59.3 shall be made available to authorities enabled under Article 62.2 upon a written request.

4. The data and information retained in the Central Register and other Registers regulated in Article 59.3 shall be made available to authorities enabled under Article 62.2 by the way of telecommunication devices [*urządzeń do teletransmisji danych*] and without the written request if such authorities meet the following conditions:

- 1) the authorities possess the devices equipped with an access point capable of registering the identity of the person gaining access, the time of access, the purpose of accessing the Registers, and the contents of data and information delivered by the Registers;
- 2) the authorities prove technical and organizational security capable of guaranteeing that the information obtained can be used for no other purposes than the purposes for which they were obtained.

5. The data and information retained in the Central Register and other Registers regulated in Article 59.3 shall be made available to authorities and institutions of other countries if an international agreement binding the Republic of Poland so provides.

Chapter 9

Amendments to other Laws, Special Provisions, Inter-temporal Provisions and Final Provisions

Article 63. [Amendment of the Law of 10 April 1974 r. on the Registration of the Populace and Identity Documents (consolidated version OJ of 2006 No. 139, item. 993, as amended)]

Article 64. [Amendment of the Law of 13 February 1984 on the Functions of the Consuls of the Republic of Poland (OJ of 2002, No. 215, item 1823, as amended)]

Article 65. 1. The following acts are hereby deemed null and void and thus neuter as to legal effect *ab initio*:

- 1) the resolution of the Council of Ministers of 26 September 1946 on the Forfeiture of Polish Citizenship of General Władysław Anders;
- 2) the resolution of the Council of Ministers of 26 September 1946 on the Forfeiture of Polish Citizenship of the Generals and Officers Joining the Polish Corpus of Training and Relocation [*Polski Korpus Przysposobienia i Rozmieszczenia*];
- 3) the resolution of the Council of Ministers of 21 November 1947 on the Forfeiture of Polish Citizenship of Stanisław Mikołajczyk;
- 4) the resolution of the Council of Ministers of 19 February 1949 on the Forfeiture of Polish Citizenship of Stanisław Bańczyk, Tomasz Kołakowski and Stanisław Wójcik.

2. In case of justified doubt as to the citizenship of the person subject to the resolution regulated in Article 65.1 item 1 or 2 and the citizenship of their descendants, the passport or identity card authority shall address the relevant Regional Governor requesting the opening of

proceedings for the confirmation of Polish citizenship. The Regional Governor shall issue a decision within 30 days of such a request.

Article 66. Any proceedings initiated under the law regulated in Article 69 and shall proceed under that law regardless of the entry into force of this Law.

Article 67. The Central Register of data concerning the acquisition and loss of citizenship regulated by Article 18e.1 of the law regulated in Article 69 shall hereby be transformed in the Central Register of Acquisition and Loss of Polish Citizenship as governed by Article 59.1 hereinabove.

Article 68. If an application for the restitution of Polish citizenship is filed by a person who is already the subject of proceedings initiated by an application for the conferral of Polish Citizenship or an application for the acknowledgment of Polish citizenship under the Law regulated in Article 69, the proceedings initiated by the application for the restitution of Polish citizenship shall be discontinued.

Article 69. The law of 15 February 1962 on Polish Citizenship (as amended, OJ of 2000, No. 28, item 353, OJ of 2001, No. 42, item 475, OJ of 2003, No. 128, item 1175, OJ of 2005, No. 94, item 788, OJ of 2006, No. 104, item 708 & 711 & No. 144, item 1043 and OJ of 2007, No. 120, item 818) is hereby repealed.

Article 70. This Law shall enter into force 6 months after its promulgation, except for Chapter 5 and Article 65 which shall enter into force 3 months after promulgation.

President of the Republic of Poland: B. Komorowski