

**Information for EU citizens and family members about the principles and procedure as well as their rights and obligations** in matters concerning the right of residence and the right of permanent residence on the territory of the Republic of Poland regulated in the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of nationals of the Member States of the European Union and their family members (Journal of Laws of 2021r, item 1697 as amended), in accordance with Article 6(1) and (2) of the Act.

**The information also applies to proceedings in matters of the right of residence and the right of permanent residence of citizens of the United Kingdom of Great Britain and Northern Ireland and members of their families, who are beneficiaries of Agreement on the Withdrawal** of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Official Journal of the EU L 29 of 31.01.2020, page 7), on the territory of the Republic of Poland.

**Note:** When applying for registration of residence of an EU citizen or issuing a residence card for a family member of an EU citizen, the following Chapters are handed in: I, II, III, IV, VI, VII, VIII, IX, XII

In case of an application for a document certifying the right of permanent residence of an EU citizen or for a permanent residence card for a family member of an EU citizen, Chapters I, II, V, VI, VII, VIII, IX, XII are handed in.

In case of an application for the registration of residence of a citizen of United Kingdom or the issue of a residence card for a member of his/her family, who are beneficiaries of the Agreement of the Withdrawal, Chapters I, II, III, IV, VI, VII, VIII, IX, X, XI, XII are handed in.

In case of an application for a document certifying the right of permanent residence of a citizen of the United Kingdom or a permanent residence card for a member of his/her family, who are beneficiaries of the Agreement of the Withdrawal, Chapters I, II, V, VI, VII, VIII, IX, X, XI, XII are handed in.

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## CHAPTER I - HOW TO FILL IN THE APPLICATION PROPERLY

**When filling in an application for registration of residence, a document certifying the right of permanent residence, a residence card or a permanent residence card, remember to:**

- **fill it in legibly in Polish;**
- **fill in all required sections of the application** in accordance with the facts;
- fill it in with capital letters in the appropriate boxes;
- if you have provided **other personal data** in the past, state this in your justification;
- **indicate the actual place of residence** where correspondence will be collected;
- attach **photographs taken in the appropriate format to the application;**
- place handwritten **signature** and write your **name using the Latin alphabet;**
- present a **valid travel document**. The EU citizen may present **another valid document proving his/her identity and nationality**. If it is not possible to present a travel document or any other document proving identity and nationality, the EU citizen or the EU citizen's family member may present evidence other than an official document which proves their identity and nationality beyond reasonable doubt.
- in case of doubts, **ask** an employee of the voivodship office **for help** or contact non-governmental organisations providing assistance to foreigners. **You should find information about the activities of these organisations on information boards or in brochures available at the voivodship office.**

### 2.1 LEGAL GROUNDS

- Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of nationals of the Member States of the European Union and their family members (Journal of Laws of 2021, item 1697, as amended), hereinafter referred to as 'the Act';
- Act of 14 June 1960 - Code of Administrative Proceedings (i.e. Journal of Laws of 2024, item 572);
- Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29 of 31.01.2020, p. 7), hereinafter referred to as the "Withdrawal Agreement".

### 2.2 DEFINITIONS

Important terms in the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the Member States of the European Union and their family members:

The term **"EU citizen"** - means a foreigner:

- a) a citizen of a Member State of the European Union,
- b) a national of a Member State of the European Free Trade Agreement (EFTA) - a party to the Agreement on the European Economic Area,
- c) a citizen of the Swiss Confederation,
- d) a citizen of the United Kingdom of Great Britain and Northern Ireland as referred to in Article 10(1) (b) and (d) of the Withdrawal Agreement, hereinafter referred to as "citizen of the United Kingdom".

The term of **"family member"**:

- a) in the case of a **family member of an EU citizen** referred to in the aforementioned points a-c, means a foreign national, who is or is not an EU citizen:
  - spouse of an EU citizen,
  - a direct descendant of the EU citizen or his/her spouse, up to 21 years of age, or dependent on the EU citizen or his/her spouse,
  - a direct ascendant of an EU citizen or his or her spouse, who is dependent on the EU citizen or his or her spouse,
  - a direct ascendant relative of a minor EU citizen who has actual custody of that minor EU citizen and on whom that minor EU citizen is dependent,
- b) in case of a **family member of a citizen of the Republic of Poland**, means a foreigner who is not a citizen of the EU (Article 2(4)(b) of the Act):
  - spouse of a citizen of the Republic of Poland,
  - a direct descendant of a citizen of the Republic of Poland or his/her spouse, up to 21 years of age, or dependent on a citizen of the Republic of Poland or his/her spouse,
  - a direct ascendant of a citizen of the Republic of Poland or his or her spouse who is dependent on the citizen of the Republic of Poland or his or her spouse,

- a direct ascendant relative of a minor Polish citizen who has actual custody of that minor Polish citizen and on whom that minor Polish citizen is dependent,

**if the following conditions are all met:**

-- a citizen of the Republic of Poland immediately prior to his/her arrival on the territory of the Republic of Poland held the right of residence for more than 3 months or the right of permanent residence in another EU/EEA member state, in the Swiss Confederation or in the United Kingdom of Great Britain and Northern Ireland,

-- a marriage to a citizen of the Republic of Poland has been entered into, or family life with a citizen of the Republic of Poland has been developed or consolidated, before or during residence in another EU/EEA Member State, the Swiss Confederation or the United Kingdom of Great Britain and Northern Ireland, for the first three categories of family member,

-- a citizen of the Republic of Poland intends to reside permanently in the territory of the Republic of Poland.

**A non-EU foreigner who is the spouse of a citizen of the Republic of Poland, who previously held the citizenship of another EU/EEA Member State**, the Swiss Confederation or the United Kingdom of Great Britain and Northern Ireland, is also considered to be a family member of a citizen of the Republic of Poland.

c) in the case of **a family member of an EU citizen referred to in the aforementioned point (d)**, means a foreigner referred to in Article 9(a) of the Withdrawal Agreement.

## **2.3 TERMS OF ENTRY AND RESIDENCE FOR EU CITIZENS AND MEMBERS OF THEIR FAMILIES, FAMILY MEMBERS OF POLISH CITIZENS AND OTHER PERSONS RELATING TO THEM ON THE TERRITORY OF THE REPUBLIC OF POLAND.**

### **I. Entry**

An EU citizen may enter the territory of the Republic of Poland on the basis of a valid travel document or other valid document confirming his/her identity and citizenship.

A family member who is not an EU citizen, accompanying or joining an EU citizen or a citizen of the Republic of Poland, as referred to in Article 2(4) (b) of the Act, may enter the territory of the Republic of Poland on the basis of a valid travel document and a visa, unless a visa is not required. A residence card issued to a family member on the basis of Article 10 or 20 of the Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States exempts from the visa requirement. Entry without a visa is also possible on the basis of a Polish residence card or on the basis of a valid residence permit or a valid long-term visa issued by another Schengen State.

### **II. Right of residence for up to 3 months**

EU citizens and their accompanying non-EU family members have the right to reside in the territory of the Republic of Poland for up to three months without fulfilling any residence conditions other than the requirement to hold a valid travel document. EU citizens may hold another valid document confirming their identity and citizenship.

EU citizens who have entered the territory of the Republic of Poland in order to look for work may stay in the territory of the Republic of Poland without fulfilling the conditions of residence for a maximum of 6

months, unless after this period they demonstrate that they are actively continuing to look for work and have a genuine chance of employment. During this period, the EU citizen is required to hold a valid travel document or other valid document proving identity and citizenship.

### **III. Right of residence of more than 3 months**

EU citizens have the right to reside in the territory of the Republic of Poland for more than 3 months, if they meet one of the following conditions (Article 16 of the Act):

1. are **employees or self-employed persons** in the territory of the Republic of Poland;
2. have **sufficient financial means to support themselves and their family members** in the territory of the Republic of Poland so as not to become a burden on social assistance and have adequate health insurance:
  - a) have **health insurance** within the meaning of the Act of 27 August 2004 on health care services financed from public funds (the Act of 2024, item 146), i.e. are covered by public health insurance, or
  - b) are persons entitled to health care services on the basis of coordination provisions within the meaning of Article 5(23) of the Act of 27 August 2004 on health care services financed from public funds, or
  - c) they are in possession of a document certifying that they have private health insurance covering any expenses which may arise during their stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to pay the costs of health services provided to the insured person directly to the entity providing such services on the basis of a bill issued by that entity;
3. are **studying or undergoing vocational training** in the Republic of Poland and:
  - o have sufficient financial means to support themselves and their family members on the territory of the Republic of Poland so as not to become a burden on social assistance and have adequate health insurance (as above),
4. are **married to a Polish citizen**.

### **IV. Right of residence of family members of EU citizens:**

The right of residence of an EU citizen referred to in Article 16 of the Act:

- 1) points (1) and (2) and in Article 17 of the Act, extends to a family member joining or residing with him or her in the territory of the Republic of Poland;
- 2) point (3), extends to the spouse and the child dependent on him or her or on the spouse, joining or residing with him or her in the territory of the Republic of Poland.

### **V. Right of residence of family members of citizens of the Republic of Poland:**



A family member of a citizen of the Republic of Poland, as referred to in Article 2(4) (b) of the Act, shall have the right of residence, if he or she joins the citizen of the Republic of Poland or stays with him or her on the territory of the Republic of Poland (see information in point 2.2 of the instruction, concerning family members of citizens of the Republic of Poland).

#### **VI. Retention of the right of residence or possession of the right of residence in special situations:**

##### a) Retention of EU citizens' right of residence after cessation of work or other gainful activity:

An EU citizen who has ceased to be an employee or self-employed person retains the right of residence enjoyed by an employee or self-employed person in the following cases (Article 17 of the Act):

- 1) not working or otherwise engaged in gainful activity in one's own name and on one's own account as a result of periodic incapacity for work due to illness or accident or in connection with pregnancy and confinement, or
- 2) involuntary unemployment resulting from the unemployment register maintained by the poviast employment office;
- 3) undertaking vocational education or training.

If the period of performing work or other gainful activity in one's own name and on one's own account in the territory of the Republic of Poland preceding the unemployment referred to in point 2 was shorter than one year, the right of residence vested in the employee or self-employed person shall be retained by the EU citizen for a period of 6 months from the date of registration with the relevant district labour office.

##### b) Retention of the right of residence by a family member of an EU citizen or a citizen of the Republic of Poland (Article 19 of the Act):

- A family member, who is an EU citizen retains the right of residence in the event of divorce, marriage annulment, death or departure from the territory of the Republic of Poland of an EU citizen referred to in Article 16 or Article 17, or of a citizen of the Republic of Poland (Article 19(1) of the Act).

##### - A family member who is not an EU citizen retains the right of residence in the event of (Article 19(2) of the Act):

- 1) death of an EU citizen referred to in Article 16 or Article 17, or of a citizen of the Republic of Poland, if he/she resided with him/her in the territory of the Republic of Poland for a period of not less than one year prior to the date of his/her death;
- 2) divorce or annulment of a marriage with an EU citizen residing on the territory of the Republic of Poland, referred to in Article 16 or Article 17, or a citizen of the Republic of Poland, if:
  - a) the marriage lasted at least three years before the initiation of proceedings for divorce or annulment of the marriage, including at least one year during the residence of the EU citizen or Polish citizen on the territory of the Republic of Poland, or
  - b) as a former spouse of an EU citizen or of a citizen of the Republic of Poland has custody of his or her children, on the basis of an agreement between the former spouses or on the basis of a court decision, or

c) is warranted by particularly compelling circumstances, including the use of domestic violence during the marriage, or

d) as a former spouse of an EU citizen or a citizen of the Republic of Poland, has the right to visit a minor child on the basis of an agreement between the former spouses or on the basis of a court decision, if it results from the agreement or the decision that the visitation takes place on the territory of the Republic of Poland.

- In the event of death or departure of an EU citizen referred to in Article 16 or Article 17 or of a citizen of the Republic of Poland from the territory of the Republic of Poland, the child of an EU citizen or of a citizen of the Republic of Poland residing and studying in that territory and the parent who takes care of him or her, regardless of his or her nationality, shall retain the right of residence until the child completes his or her education or studies (Article 19(3) of the Act).

c) Right of residence of a student child of an EU citizen and his/her parent (Article 19a of the Act):

A child of an EU citizen, who has been a worker in the territory of the Republic of Poland, but who has not retained the right of residence under Article 17, and who is staying and studying in that territory, shall have the right of residence until the completion of his/her education or studies.

A parent who has custody of a child of an EU citizen, who has been a worker in the territory of the Republic of Poland, but who has not retained the right of residence under Article 17, and who is residing and studying in that territory, shall have the right of residence until the child reaches the age of majority; this right shall continue after the child reaches the age of majority, if the child continues to require the presence and care of that parent in order to be able to continue and complete his or her education.

## **VII. Obligation to register residence or obtain a residence card**

If the stay on the territory of the Republic of Poland is longer than 3 months, the EU citizen and his/her family member holding EU citizenship are **obliged to register their stay**, while a family member who is not an EU citizen is obliged to obtain **a residence card for the EU citizen's family member**. The obligation to register residence does not apply to EU citizens who exercise their right of residence in order to seek employment (see above information on the right of residence for up to 3 months).

**Note:** The obligation to register residence for an EU citizen is not the same as the obligation to register at an address which is valid in Poland. The authority competent to register residence for EU citizens is the voivode competent for the place of residence of that citizen. The competent body in matters related to the obligation to register at the address indicated is the competent body of the municipality (head of the municipality, mayor or city president).

In order to register the residence of an EU citizen (including family members who are also EU citizens), as well as to obtain a residence card for a family member who is not an EU citizen, that EU citizen must fulfil the conditions for residence of more than 3 months.

## **VIII. Right of Permanent Residence**

**An EU citizen acquires the right of permanent residence after a period of 5 years of continuous residence** on the territory of the Republic of Poland, during which **he/she has fulfilled at least one of the prerequisites of the right of residence** for more than 3 months or has retained the right of residence or

had the right of residence referred to in Article 19a of the Act (see above for information on the right of residence).

**A family member who is not an EU citizen acquires the right of permanent residence after a period of 5 years of continuous residence on the territory of the Republic of Poland with an EU citizen or with a citizen of the Republic of Poland, during which he/she has fulfilled at least one of the prerequisites for the right of residence for a period of more than 3 months concerning the family member or has retained the right of residence or had the right of residence referred to in Article 19a of the Act (see above for information on the right of residence).**

A family member, who is an EU citizen and has resided in the Republic of Poland continuously for 5 years and has retained the right of residence based on Article 19(1) of the Act, acquires the right of permanent residence. A family member who is not an EU citizen and has resided continuously on the territory of the Republic of Poland for 5 years and has retained the right of residence based on Article 19(2) or (3) of the Act, acquires the right of permanent residence (see above information on the right of residence).

**Prior acquisition of the right of permanent residence:**

- An EU citizen or a family member who is not an EU citizen and is **the spouse of a Polish citizen acquires the right of permanent residence after three years of uninterrupted residence** on the territory of the Republic of Poland, during which he/she has fulfilled at least one of the prerequisites of the right of residence for more than three months, including that of a family member, or has retained the right of residence or had the right of residence referred to in Article 19a of the Act (see above for information on the right of residence) (Article 43a of the Act).

- The right of permanent residence before the expiry of the 5-year period of residence on the territory of the Republic of Poland is acquired by the EU citizen (Article 45(1) of the Act):

1) an employee or self-employed person who, at the time of termination of work or other gainful activity in his/her own name and on his/her own account, has reached retirement age as defined by the Polish pension insurance regulations or, who terminated his work in order to take early retirement, if prior to that he/she had been working or performing other gainful activity in his/her own name and on his/her own account in the territory of the Republic of Poland for a period of 12 months and had resided in that territory continuously for more than 3 years;

2) an employee or self-employed person who has ceased to carry out work or other gainful activity in his/her own name and on his/her own account in the territory due to permanent incapacity for work, if he/she has resided in the territory for a continuous period of more than 2 years;

3) an employee or self-employed person who, after 3 years of continuous residence and work or other gainful activity in his/her own name and on his/her own account in this territory, performs work or other gainful activity in his/her own name and on his/her own account in another Member State, while still residing in the territory of the Republic of Poland, to which he/she returns at least once a week.

2. The pursuit of work or other gainful activity in one's own name and on one's own account in the territory of the Republic of Poland referred to in paragraph 1(1) or (2) shall also be the pursuit of work or other gainful activity in one's own name and on one's own account in another Member State.

3. The provision of paragraph 1(2) shall also apply to an employee or self-employed person who, while retaining his/her residence in the territory of the Republic of Poland, has carried out work or

other gainful activity in his/her own name and on his or her own account in another Member State and has ceased to do so due to permanent incapacity for work.

4. The requirements concerning the length of uninterrupted residence and the pursuit of work or other gainful activity in one's own name and on one's own account referred to in paragraph 1(1) and the requirement concerning the length of uninterrupted residence referred to in paragraph 1(2) shall not apply to the spouse of a Polish citizen.

5. The requirement concerning the length of continuous residence referred to in paragraph 1(2) shall not apply where the cessation of work or other gainful activity in one's own name and on one's own account is due to permanent incapacity for work as a result of an accident at work or an occupational disease.

6. The following periods of work or other gainful activity in one's own name and on one's own account shall be included:

1) involuntary unemployment resulting from the unemployment register maintained by the poviats employment office;

2) interruption of work or other gainful activity in one's own name and on one's own account independent of the will of the person referred to in paragraph 1;

3) not performing work or other gainful activity in one's own name and on one's own account as a result of periodic incapacity due to illness or accident.

- The right of permanent residence acquired by an employee or self-employed person under Article 45 of the Act is also acquired by a family member residing with him or her in the territory of the Republic of Poland, regardless of his or her citizenship (Article 46(1) of the Act).

2. In the event of the death of a worker or self-employed person while performing work or other gainful activity in his/her own name and on his/her own account prior to the acquisition of the right of permanent residence under Article 45, a family member who was residing with them in the territory of the Republic of Poland on the date of death shall acquire the right of permanent residence, regardless of his/her nationality, if:

1) the employee or self-employed person had, up to the date of death, resided in the territory of the Republic of Poland for a continuous period of 2 years, or

2) death of the employee or self-employed person occurred as a result of an accident at work or an occupational disease.

**Uninterrupted stay** in the territory of the Republic of Poland:

Stay on the territory of the Republic of Poland is considered to be uninterrupted, if the breaks in it did not exceed a total of 6 months per year.

Residence in the territory of the Republic of Poland shall not be interrupted by leaving that territory for a period longer than specified above due to:

1) performing compulsory military service or

2) an important personal situation, in particular pregnancy, childbirth, illness, studies, vocational training, delegation, which requires a stay outside this territory, provided that the period is not longer than 12 consecutive months.

Residence in the territory of the Republic of Poland shall be interrupted by:

- 1) implementation of a decision to expel an EU citizen or non-EU family member;
- 2) serving a custodial sentence by a family member who is not an EU citizen.

An EU citizen, who has acquired the right of permanent residence, is issued with a **document certifying the right of permanent residence** upon application.

A non-EU citizen family member, who has acquired the right of permanent **residence, is obliged to obtain a permanent residence card** for an EU citizen family member.

#### **IX. Other family members of EU citizens and Polish citizens as well as persons having family life with these citizens within the meaning of the European Convention on Human Rights**

1. An EU citizen may register residence without having to fulfil the conditions for residence, if:

1) he/she is a family member of an EU citizen or a citizen of the Republic of Poland other than the one referred to in Article 2(4) of the Act, who joins him/her or stays with him/her on the territory of the Republic of Poland, due to:

a) financial dependence on him/her, or being in a household with him/her, in the country from which the EU citizen applying for registration of residence has come, or

b) serious health reasons requiring personal care, by an EU citizen or a citizen of the Republic of Poland whom that citizen is joining or staying with in the territory of the Republic of Poland;

2) he/she leads a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, item 284, as amended), with an EU citizen or a citizen of the Republic of Poland, whom that citizen joins or resides with in the territory of the Republic of Poland.

2. A foreigner not being an EU citizen, who is a family member of a Polish citizen or a citizen of another EU, EEA Member State or Switzerland residing on the territory of the Republic of Poland, other than the one referred to in Article 2(4) (a) and (b) of the Act, who resides on the territory of the Republic of Poland jointly with that citizen - due to:

a) financial dependence on him/her or being in a household with him/her, in the country from which the foreigner has come, or

b) serious health reasons requiring personal care by that citizen,

may be granted a temporary residence permit referred to in Article 160(1) of the Act of 12 December 2013 on foreigners (Journal of Laws of 2023, item 519, as amended).

A temporary residence permit referred to in Article 160(3) of the Act of 12 December 2013 on Foreigners may be granted to a foreigner, who is not a citizen of the EU, has family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, with a Polish citizen, a citizen

of another EU, EEA Member State or Switzerland residing on the territory of the Republic of Poland, with whom they reside together on that territory.

In the case of a foreigner residing abroad, an application for a temporary residence permit under Article 160(1) or (3) of the Act on Foreigners is submitted by a citizen of the Republic of Poland, another EU, EEA Member State or Switzerland, residing on the territory of the Republic of Poland to which the foreigner arrives. Once a positive decision is issued, the foreigner is issued a special visa abroad in order to implement the permit. Upon arrival in Poland, the foreigner should apply for a residence card and submit fingerprints for the purpose of obtaining the residence card.

Information on granting of the temporary residence permits can be found [here](#).

## 2.4 BENEFICIARIES OF THE WITHDRAWAL AGREEMENT WITHIN THE TERRITORY OF THE REPUBLIC OF POLAND

I. The beneficiaries of the Withdrawal Agreement of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community in Poland are:

- **citizens of the United Kingdom**, who:

- **have exercised their right of residence in Poland in accordance with Union law before the end of the transitional period (i.e. until 31.12.2020) and continue to reside in Poland afterwards** (Article 10(1)(b)), or
- **have exercised their rights as frontier workers** in at least one Member State, including Poland, in accordance with Union law **before the end of the transitional period and continue to do so thereafter** (Article 10(1)(d));

- **family members of the aforementioned citizens of the United Kingdom**, if they meet one of the following conditions (Article 10(1) (e) of the Agreement):

(i) **were residents in Poland in accordance with Union law before the end of the transitional period and continue to reside in Poland thereafter;**

(ii) were family members of the aforementioned citizens of the United Kingdom and **resided outside Poland before the end of the transitional period**, if they meet the conditions set out in Article 2(2) of Directive 2004/38/EC at the time of applying for residence under the Withdrawal Agreement in order to join the aforementioned citizens of the United Kingdom;

(iii) are the children of, or adopted by, the aforementioned citizens of the United Kingdom, **born or adopted after the end of the transitional period**, in or out of Poland, and meet the conditions set out in Article 2(2)(c) of Directive 2004/38/EC at the time of applying for residence under the Withdrawal Agreement to join the aforementioned citizens of the United Kingdom, and meet one of the following conditions (this provision does not cover children of a spouse, unless they are also adopted by an eligible citizen of the United Kingdom):

- both parents are the aforementioned citizens of the United Kingdom;

- one of the parents is the aforementioned citizen of the United Kingdom and the other is a Polish citizen; or

- one of the parents is the aforementioned United Kingdom citizen and has sole or joint custody of the child in accordance with the applicable family law of a Member State or of the United Kingdom, including the applicable rules of private international law under which custody of a child established under the law of a third country is recognised in a Member State or in the United Kingdom, taking into account, in particular, the best interests of the child and without prejudice to the normal functioning of such applicable rules of private international law;

- **family members who have resided in Poland in accordance with Articles 12 and 13, Article 16(2) and Articles 17 and 18 of Directive 2004/38/EC (i.e. retained their right of residence or acquired the right of permanent residence) before the end of the transitional period and continue to reside in Poland afterwards** (Article 10(1) (f) of the Agreement).

In accordance with Article 9(a) of the Withdrawal Agreement, the term “**family members**” means the following persons, regardless of nationality, falling within the personal scope provided for in Article 10 of this Agreement:

- (i) family members of citizens of the Union or members of the family of citizens of the United Kingdom within the meaning of Article 2(2) of Directive 2004/38/EC of the European Parliament and of the Council (5);
- (ii) persons, other than those defined in Article 3(2) of Directive 2004/38/EC, whose presence is necessary for Union citizens or nationals of the United Kingdom not to be deprived of the right of residence conferred on them by this Part;

In addition, in accordance with Article 10(2) to (5) of the Withdrawal Agreement:

2. Persons falling within the scope of Article 3(2) (a) and (b) of Directive 2004/38/EC whose residence has been facilitated by the host State in accordance with its national legislation before the end of the transitional period in accordance with Article 3(2) of that Directive shall retain their right of residence in the host State in accordance with this Part, if they continue to reside in the host State after the end of the transitional period.

3. Paragraph 2 shall also apply to persons covered by Article 3(2) (a) and (b) of Directive 2004/38/EC who have applied for facilitation of entry and residence before the end of the transitional period and whose stay shall be facilitated by the host State in accordance with its national legislation after the end of the transitional period.

4. Without prejudice to any right of residence the persons concerned may enjoy on their own, the host country shall, in accordance with its national legislation and in compliance with Article 3(2)(b) of Directive 2004/38/EC, facilitate entry and residence for the partner with whom the person referred to in paragraph 1(a) to (d) of this Article, has a stable, duly attested relationship where that partner has resided outside the host State before the end of the transitional period, provided that the relationship was of a stable nature before the end of the transitional period and still exists at the time the partner applies for residence under this Part.

5. In the cases referred to in paragraphs 3 and 4, the host State shall undertake a detailed assessment of the personal circumstances of the persons concerned and shall give reasons for any refusal of entry or residence to those persons.

**II.** Polish legislation aimed at ensuring the application by the Republic of Poland of the Withdrawal Agreement as regards the residence rights of citizens of the United Kingdom of Great Britain and Northern Ireland, members of their families and other persons coming within the scope of that Agreement in the territory of the Republic of Poland after the transitional period provides for **the declaratory scheme** provided for in Article 18(4) of the Withdrawal Agreement. That system provides for no obligation to obtain a new residence status and a residence document as a condition for legal residence in Poland on the basis of the Withdrawal Agreement. Instead, persons eligible for the right of residence on the basis of that Agreement shall be entitled to receive, in accordance with the conditions laid down in Directive 2004/38/EC, a residence document containing a statement that it has been issued in accordance with this Agreement.

**III.** Citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement in Poland shall be entitled to enter Poland in the same way as EU citizens and their family members, but without a residence document proving that they are beneficiaries of the Withdrawal Agreement in Poland they should be able to demonstrate that they are such beneficiaries by available means of evidence.

Citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement in Poland, **have the right of residence or acquire the right of permanent residence in Poland under the conditions applicable to EU citizens and their family members** (see information in point 2.3 of the information). Before acquiring the right of permanent residence in this territory, they should, as a rule, fulfil the conditions of the right of residence for a period exceeding 3 months. The rights of family members, who are dependants of the citizens of the United Kingdom before the end of the transitional period, are maintained even, if they cease to be dependants. After acquiring the right of permanent

residence in Poland, absence from the territory should not exceed 5 consecutive years (Article 15(3) of the Withdrawal Agreement).

**IV.** EU citizen registration certificates, EU citizen family member residence cards, documents certifying the right of permanent residence of EU citizens and EU citizen family member permanent residence cards issued until 31.12.2020 by the Polish authorities to the citizens of the United Kingdom referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, and to family members of citizens of the United Kingdom referred to in Article 10(1)(e) and (f) of the Withdrawal Agreement, **expired on 31 December 2021.**

**Currently, in order to obtain a residence document for the beneficiaries of the Withdrawal Agreement, citizens of the United Kingdom may apply to a voivode for either registration of residence (and issuance of a certificate of registration of residence) or issuance of a document certifying the right of permanent residence (as a rule, due to the 5-year period of residence in Poland), which documents will contain an annotation referring to the Withdrawal Agreement.**

**Family members of citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland should apply for a residence card or permanent residence card (for a family member who is not a citizen of the United Kingdom), with an annotation referring to the Withdrawal Agreement.**

Information on this subject can be found here:

<https://www.gov.pl/web/udsc-en/applications-that-may-be-submitted-by-united-kingdom-nationals-under-withdrawal-agreement-from-january-1-2022>

<https://www.gov.pl/web/udsc/wnioski-i-listy-dokumentow-dolaczanych-do-wnioskow>

Failure to submit an application for obtaining a residence document in Poland under the Withdrawal Agreement by citizens of the United Kingdom and their family members who are beneficiaries of the Withdrawal Agreement in Poland by 31 December 2021 does not affect their residence rights in Poland, if the conditions concerning those rights provided for in the Withdrawal Agreement are maintained, including the requirement to continue their residence in Poland after the end of the transitional period in accordance with the principle of continuity of residence referred to in Article 11 of the Withdrawal Agreement. The residence rights of such beneficiaries of the Withdrawal Agreement in Poland derive directly from that Agreement.

**However, taking into account practical considerations with regard to the exercise of the rights of beneficiaries of the Withdrawal Agreement, it is recommended that all beneficiaries of the Agreement obtain as soon as possible residence documents containing an annotation referring to this Agreement.** Obtaining such a document will facilitate exercise of the rights of the beneficiary of the Agreement when crossing borders as well as during their stay on the territory of Poland.

## **V. Frontier workers**

A citizen of the United Kingdom who is a frontier worker referred to in Article 9(b) of the Withdrawal Agreement and who, before 31 December 2020, performed work or carried out other gainful activity in his or her own name and on his or her own account on the territory of Poland and was not subject to registration of residence, and after that date continues to perform work or carry out such activity on that territory while not residing there, shall have the rights of a frontier worker on the territory of Poland under the Withdrawal Agreement.

According to Article 9(b) of the Withdrawal Agreement, the term “frontier workers” means Union citizens or citizens of the United Kingdom, who are engaged in gainful employment in accordance with Article 45 or 49 TFEU in one or more countries in which they do not reside.

Pursuant to Article 26 of the Withdrawal Agreement, the State of employment may require Union citizens and citizens of the United Kingdom, who have rights as frontier workers under this title to apply for a document attesting that they have such rights under this title. In such a case, citizens of the Union and citizens of the United Kingdom shall be entitled to obtain such a document.



Citizens of the United Kingdom with rights as frontier workers in Poland under the Withdrawal Agreement **are required to register their residence in Poland**. In principle, this obligation had to be fulfilled by 31 December 2021, which does not exclude the possibility to register as a frontier worker also after that date.

As a result of the registration of residence as a frontier worker, the citizen of the United Kingdom will be issued with a certificate of registration of residence, which includes an endorsement confirming his/her entitlement as a frontier worker under the Withdrawal Agreement (“Article 50 TEU - frontier worker”). This document is declaratory in nature. The frontier worker's entitlement to continue to carry out work or gainful activity in his/her own name and on his/her own account in the territory of Poland as a frontier worker derives directly from the Withdrawal Agreement.

The application for registration of residence as a frontier worker shall be submitted on the same form of application for registration of residence of a citizen of the United Kingdom as applies to citizens of the United Kingdom residing on the territory of Poland in accordance with EU law before the end of the transitional period. In the justification of the application, the box concerning a frontier worker should be ticked.

In order to acquire and retain the rights of a frontier worker on the basis of the Withdrawal Agreement, it is essential to maintain the continuity of work or economic activity in the territory of Poland immediately before and after the expiry of the transitional period. It is also possible to retain the status of worker in accordance with Article 7(3) (a), (b), (c) and (d) of Directive 2004/38/EC.

The certificate of residence registration of a British frontier worker is not a residence document. However, it confirms the entitlement to continue working or gainful activity in Poland, i.e. in the country of the place of work, as a non-resident frontier worker (also for another employer or to commence self-employment). This certificate entitles the holder to visa-free entry into Poland on the basis of the Withdrawal Agreement, but no longer to travel within the Schengen area without a visa.

#### **VI. Extended family members of citizens of the United Kingdom as well as persons having family life with those citizens within the meaning of the European Convention on Human Rights, as referred to in Article 10(2) to (5) of the Withdrawal Agreement:**

1. A citizen of the United Kingdom, who has registered a residence before or after the end of the transitional period, in relation to an application made before the end of that period, due to the following circumstances:

1) being a family member of a citizen of the United Kingdom or a citizen of the Republic of Poland other than one referred to in Article 2(4) of the Act, who joins or stays with him or her in the territory of the Republic of Poland by reason of:

a) being financially dependent on, or in a household with him or her, in the country from which the citizen of the United Kingdom applying for registration of residence has come, or

b) serious health reasons requiring personal care, by a citizen of the United Kingdom or a citizen of the Republic of Poland whom the applicant is joining or with whom he or she is staying in the territory of the Republic of Poland; or

2) maintaining a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, item 284, as amended), with a citizen of the United Kingdom or a citizen of the Republic of Poland, whom the applicant joins or with whom the applicant stays in the territory of the Republic of Poland

- retains the right of residence, if he/she continues to reside in Poland after the end of the transitional period.

2. To a foreigner, who is a family member of a citizen of the United Kingdom residing in the territory of the Republic of Poland, as referred to in Article 10(1) (b) and (d) of the Withdrawal Agreement, other than

the one referred to in Article 2(4) (b) of the Act, who resides in the territory of the Republic of Poland jointly with that citizen - on account of:

- a) being financially dependent on him/her or remaining in a household with him/her in the country from which the foreigner has come, or
- b) serious health reasons requiring personal care by that citizen

- a temporary residence permit as referred to in Article 160, point 4 of the Act of 12 December 2013 on foreigners may be granted, if a temporary residence permit has been granted to that foreigner for these reasons before the end of the transitional period referred to in Article 126 of the Withdrawal Agreement or after the end of the transitional period in connection with an application submitted before the end of that period (temporary residence permit as referred to in Article 160 (1) of the Act of 12 December 2013 on foreigners);

3. A foreigner maintaining a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, with a citizen of the United Kingdom residing on the territory of the Republic of Poland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement, with whom he resides jointly on that territory, may be granted a temporary residence permit referred to in Article 160(5) of the Act of 12 December 2013 on foreigners, if that foreigner has been granted a temporary residence permit for that reason before the end of the transitional period referred to in Article 126 of the Withdrawal Agreement, or after the end of that period in connection with an application submitted before the end of that period (temporary residence permit referred to in Article 160(3) of the Act of 12 December 2013 on Foreigners);

4. A citizen of the United Kingdom or a foreigner maintaining a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, with a citizen of the United Kingdom residing on the territory of the Republic of Poland, referred to in Article 10 (1) (b) and (d) of the Withdrawal Agreement, with whom he or she resides jointly on that territory, may be granted a temporary residence permit referred to in Article 160(6) of the Act of 12 December 2013 on Foreigners, if that foreigner fulfils the conditions referred to in Article 10(4) of the Withdrawal Agreement.

In the case of a foreigner residing abroad, an application for a temporary residence permit under Article 160(4) or (6) of the Act on Foreigners is submitted by a citizen of the United Kingdom residing in the territory of the Republic of Poland to which the foreigner is arriving. Once a positive decision has been issued, a special visa abroad is issued to the foreigner in order to implement the permit. Upon arrival in Poland, the foreigner should apply for a residence card and submit fingerprints in order to obtain the residence card.

The residence card issued in connection with the granting of a temporary residence permit as referred to in Article 160 (4), (5) or (6) of the Act on Foreigners shall contain a note referring to the Withdrawal Agreement.

Information on granting of the temporary residence permits can be found [here](#).

**VII. It should be borne in mind that in other EU Member States, a beneficiary of the Withdrawal Agreement in Poland, even after obtaining a residence document under this Agreement, is treated as a third-country national, who is not entitled to freedom of movement under the rules applicable to EU citizens and their family members.**

**Residence documents issued to the beneficiaries of the Withdrawal Agreement in Poland entitle them to short-term travels without a visa within the territory of other Schengen States, for a period not exceeding 90 days in any 180-day period, in respect of the entire territory of other Schengen States.**

**VIII.** Provisions of Section V, Chapters 3 and 3a and provisions of Section VI, Chapter 2 of the Act of 12 December 2013 on Foreigners (Journal of Laws of 2023, item 519, as amended) shall apply to the citizens of the United Kingdom and their family members being beneficiaries to the Withdrawal Agreement, concerning the granting of a temporary residence permit for the purpose of highly qualified employment, a temporary residence permit for the purpose of intra-corporate transfer, provisions concerning short-term and long-term mobility of a managerial employee, specialist or trainee employee, as part of an intra-corporate transfer, as well as provisions concerning the granting of a residence permit for a long-term EU resident.

The provisions on the granting of temporary residence permits for the purpose of family reunification (Article 159(1)(1)(hd) of the Act on Foreigners) also apply to citizens of the United Kingdom who are beneficiaries of the Withdrawal Agreement in Poland, referred to in Article 10(1)(b) and (d) of the Withdrawal Agreement. This permit may be applied for by third-country nationals who are immediate family members of such UK nationals who are not beneficiaries of the Withdrawal Agreement, in particular the spouse of a citizen of the United Kingdom, in the event of marriage concluded after the end of the transitional period referred to in the Withdrawal Agreement.

### **IX. Loss of Beneficiary Status of the Withdrawal Agreement**

In accordance with Article 39 of the Withdrawal Agreement, persons covered by Part II of the Withdrawal Agreement, concerning citizenship rights shall enjoy the rights provided for in the relevant titles of this Part, including residence rights, throughout their lives unless they cease to fulfil the conditions set out in those titles.

This means that beneficiaries of the Withdrawal Agreement in Poland **should keep the conditions of the right of residence provided by the Withdrawal Agreement (analogous to those concerning EU citizens and their family members), including the requirement to continue their residence in Poland** after the end of the transitional period in accordance with the principle of continuous residence referred to in Article 11 of the Withdrawal Agreement (see information on continuous residence in point 2.3 of the information). Citizens of the United Kingdom and their family members who are beneficiaries of the Withdrawal Agreement in Poland **who have not yet acquired the right of permanent residence in this territory should, as a rule, fulfil the conditions of the right of residence for a period exceeding 3 months, in order to maintain their status as beneficiaries of the Agreement** (see information in point 2.3 of the information). After acquiring the right of permanent residence in Poland, absence from this territory should not exceed 5 consecutive years (Art. 15(3) of the Withdrawal Agreement).

In addition, the loss of the status of a beneficiary of the Withdrawal Agreement may occur as a result of a decision restricting the residence rights, if it is established that this is required **for reasons of defence or state security or protection of public security and order, or in the case of fraud or abuse of rights** (Article 20 of the Withdrawal Agreement). This may include, for example, a decision on refusal to register the residence or to issue a residence document, to cancel the registration of the residence or the residence document, or a decision to expel from the territory of Poland. Such a decision should take into account the principle of proportionality. The decision may be appealed against.

**NOTE: If you lose your status as a beneficiary of the Withdrawal Agreement in Poland, it will not be possible to regain that status in that territory.**

## **2.5 REQUIREMENTS FOR APPLICATIONS, DOCUMENTS, CLARIFICATIONS, DECLARATIONS**

Applications and documents in matters concerning the right of residence or the right of permanent residence should be:

- **drawn up in the Polish language;**

- **originals or officially certified copies** (instead of the original document, a party may submit a copy of the document, if its conformity with the original has been certified by a notary public or by a representative of the party acting in the case who is an attorney or legal advisor or an authorised employee of the body conducting the proceedings (voivode) to whom the original document was presented together with the copy - this **does not apply to identity (travel) documents**;
- **translated into Polish by a sworn translator - in the case of documents drawn up in a foreign language**, which serve as evidence in proceedings, e.g. foreign civil status documents, contracts, etc. **Note:** the obligation to provide a translation **does not apply** to a travel document or other document confirming identity and citizenship.

## 2.6 DEADLINE FOR COMPLETION OF THE CASE

In accordance with the applicable general legal provisions, the handling of the case:

- **requiring an investigation** should take place no later than one month,
- **particularly complex**, no later than two months from the date on which proceedings were initiated,
- and **in appeal proceedings**, within one month of receipt of the appeal.

In addition, in accordance with the special provisions:

- **Registration of residence and the issuing of a certificate of registration of residence of an EU citizen shall be carried out immediately** (i.e. without undue delay), or the registration of residence shall be refused within this period.
- **The document certifying the right of permanent residence shall be issued immediately** (i.e. without undue delay) after the application for its issue, or it shall be refused within this period.
- **A residence card or permanent residence card for a family member of an EU citizen shall be issued no later than 6 months** from the date of application for their issue, or the issue of a card shall be refused within this period.

**Note:** Where there is a need to provide clarification or explanation of the evidence held by the authority in a particular case, a party may be invited during the course of the proceedings to submit additional documents or evidence of the circumstances referred to in the application.

**Whenever a case is not dealt with within the aforementioned time limits, the authority of first or second instance is obliged to notify the party, stating the reasons for the delay, indicating the new time limit for dealing with the case and instructing him or her of the right to lodge a reminder.**

## 2.7 POWER OF ATTORNEY

**A party may act through an attorney unless the nature of the action requires the party to act in person. A party's attorney may be a natural person with legal capacity.**

- The power of attorney should be **given in writing, in the form of an electronic document or submitted for report**;

- The attorney shall enclose with the file **the original or an officially certified copy of the power of attorney;**
- In the case of special powers of attorney (**granted for specifically listed proceedings**), the granted power of attorney should authorise the foreigner to represent him/her in a specific proceeding **both before a competent voivode and before the Head of the Office for Foreigners** (if the foreigner wishes to be represented also in appeal proceedings).
- Receipt of a certificate of registration of residence of an EU citizen or a citizen of the United Kingdom or receipt of a document certifying the right of permanent residence of an EU citizen may be carried out by an attorney, on the basis of a **special power of attorney to receive** this certificate or document, upon presentation of a document confirming his/her identity.
- In cases where the requirement to appear in person at the time of application has been waived, the collection of the residence card or permanent residence card or document certifying the right of permanent residence of a citizen of the United Kingdom may be carried out by an attorney, on the basis of a **special power of attorney to receive** the document, upon presentation of a document confirming his/her identity.

## 2.8 DELIVERY OF CORRESPONDENCE

All letters (notifications, calls, decisions, provisions etc.) are delivered against receipt **by a postal operator** or by the officials of the authority of first or second instance or other authorised persons or bodies.

**Letters are delivered to the address indicated by the party or to any place where they can be found.**

Letters to foreigners who are deprived of their liberty, are delivered by the administration of the penitentiary in which they are residing.

Letters are also delivered **by electronic communication means** within the meaning of art. 2, point 5 of the Act of July 18, 2002 on the provision of electronic services if a party or other participant in the proceedings meets one of the following conditions:

He/she will submit the application in the form of an electronic document by the electronic delivery box of the public administration body;

He/she will apply to the public administration authority for such delivery, and will indicate electronic address to the public administration body;

He/she will consent to the delivery of letters in the proceedings by means of these means and will indicate electronic address to the public administration body.

The public administration body may ask the party or other participant of the proceedings to **consent to delivery of letters in the form of an electronic document** in other categories specified by the authority of individual cases handled by that authority.

The public administration body may request consent to the delivery of letters via this electronic communication means sending this request via electronic communication means to the electronic address of the party or other participant in the proceedings. The above-mentioned article does not apply art. 46 § 3-8 of the Code of Administrative Procedure.

If the party or other participant in the proceedings resigns from the delivery of letters via electronic communication means the public administration body delivers the letter in the manner specified for the letter in a form other than the form of an electronic document.

## CHANGE OF ADDRESS

In the course of proceedings, the parties (foreigners) and their representatives and proxies are **obliged to inform the authority before which their case is pending about any change to the address**. During the proceedings, letters are always sent to the address for delivery which was last indicated to the authorities.

- **In the case of negligence of the above-mentioned obligation, the submission of the letter to the previous address is considered effective (e.g. in the case of such delivery of the decision the time limit for filing appeal shall run even if the foreigner or his/her representative actually did not receive this decision due to a change of address)**
- **ABSENCE OF ADDRESSEE:** in the absence of the addressee at the address indicated, a letter is delivered, against receipt, to an adult member of the household, a neighbour or a caretaker, if they undertake to give the letter to the addressee. The delivery of a letter to a neighbour or a caretaker shall be notified to the recipients by placing a notice in a mailbox or if it is not possible, at the door of the apartment.

## LETTERS ARE DELIVERED:

- **To the Party, i.e. the foreigner,** at the **address** indicated by him/her, and when he/she acts through a representative (e.g. guardian) - to that representative.
  - **The party is obliged to acknowledge receipt of the letter with his/her signatures indicating the date of receipt.** If the party evades delivery confirmation, the person serving the letter will determine the date of service on his/her own and will indicate the person who received the letter and the reason for the lack of signature.
  - **If the party refuses to accept the letter** sent by mail or delivered in another way, the letter will be returned to the sender with a note on refusal of acceptance and the date **of refusal**. In this case, it is considered that the letter was delivered on the day of refusal of its acceptance by the addressee.
- **To the Representative: If the party has appointed a representative, the letters shall be delivered to the representative.** If **several representatives** have been appointed, the Party shall appoint one of them as competent for the service and notify the authority conducting the proceedings about this fact. **If the foreigner fails to appoint such a representative,** the letters shall be delivered to only one representative. **The same rules of acknowledgement of receipt of letters apply to the representative and the party.**

## IN THE CASE OF FAILURE TO DELIVER THE LETTER IN A WAY INDICATED ABOVE:

- **The postal operator keeps the letter for a period of 14 in its post office** – if the letter is to be delivered by mail;
- The letter is to be submitted for a period of 14 days at the office of the competent municipality (city) – if the letter was delivered by an employee of the municipal office (city), or an authorized person or body.

The notice of leaving the letter with information about the possibility of collecting it within 7 days from the date of leaving the notice is placed in the mailbox, or, if it is not possible, at the door of the addressee's apartment, his/her office or any other room in which the addressee performs its professional activities, or in a conspicuous place at the entrance to the addressee's property.

In the case of failure to collect the letter in the above time, another notice is left stating the possibility of collecting the letter **no later than 14 days from the date of the first notice**.

**Delivery shall be deemed effective at the end of the last day of the above-mentioned period, and the letter will be kept in the case files.**

## **ELECTRONIC DELIVERY**

In order to **deliver a letter in the form of an electronic document** the public administration body sends to addressee's e-mail address a notification containing the following:

- 1) An indication that the addressee may receive a letter in the form of an electronic document;
- 2) An indication of the electronic address from which the addressee may download the letter, and under which he/she should confirm the delivery of the letter;
- 3) Instruction on the method of receipt of the letter, and in particular the method of identification at the indicated electronic address in the ICT system of the public administration body, as well as information on the requirement to sign the official acceptance certificate in a specific manner.

In the case of **failure to collect the letter in the form** of an electronic document a public authority body, after **7 days** from the date of dispatch of the notice, sends repeated notice on the possibility of receiving the letter.

In the event of failure to collect the letter the delivery **shall be deemed to have been effected after 14 days** from the date of sending the first notification

## **2.9 REPRESENTATIVE FOR DELIVERY OF CORRESPONDENCE**

A party that does not have its place of residence or habitual residence or registered office in the Republic of Poland, another Member State of the European Union, the Swiss Confederation or a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area, **if it has not appointed a representative to handle the case residing in the Republic of Poland** and does not act through the consul of the Republic of Poland, **is obliged to appoint a representative for delivery of correspondence in the Republic of Poland**, unless delivery is made by electronic means of communication.

**If a representative for delivery of correspondence is not appointed, letters intended for this party are left in the case files with the effect of delivery.**

## **2.10 DEADLINE REQUIREMENT**

Applications (demands, explanations, appeals, complaints) prepared in Polish are submitted within the deadline specified for a given activity.

The deadline for performing a specific action is deemed to have been met if, before its expiry, the letter was sent:

- Sent **in the form of an electronic document** to the public administration body and the sender received the official confirmation of receipt;
- Posted **at the Polish post office of the designated operator** within the meaning of the Act of 23 November 2012-Postal Law;
- Submitted to **the Polish consular office**;
- Submitted by a soldier at the headquarters of a military unit;

- Submitted by a crew member to the ship's captain;
- Submitted by a detained person to the administration of a penal institution;
- Submitted by a foreigner placed in a guarded centre or in an arrest for foreigners to the administration of this centre or arrest.

**Letters can also be submitted directly to the authority examining the case.**

**The designated operator within the meaning of the Act – Postal Law is Poczta Polska Spółka Akcyjna.**

**Furthermore, the date of a given activity shall be:**

- in the case of delivery by a **foreign postal service** – the date of receipt by **the Polish postal service of the designated operator** (date of postmark of the Polish postal service);
- in the case of delivery **by other postal operators than the designated operator (Poczta Polska Spółka Akcyjna) or by the courier company** (letter posted both in Poland and abroad) – **the date of receipt by the authority.**

**In the case of failure to meet the deadline prescribed in the call, a foreigner may, within 7 days following expiration of causes of the failure to meet the deadline, file a request to restore the deadline. The foreigner should be able to substantiate that the failure to meet the deadline was not due to his/her fault. At the time of submission of the request, the foreigner should supplement the documents that were listed in the call or make the activities listed therein.**

## **2.11 GETTING ACCESS TO THE CASE FILES**

- **At any stage of the proceedings the party has the right to inspect the case files, make notes, copies (e.g. photos) or duplicates. This right applies also after the end of the proceedings.**
- The party may request to authenticate duplicates or copies of the case files, or to be given certified copies of the case files, if it is **justified by the party's important interests.**
- **Stamp duty for the certificate of conformity for a duplicate or a copy of the document requested from case files for each full or started page amounts to PLN 5.**
- **The above-mentioned principles shall not apply to case files containing information classified as "secret" or "top secret", as well as to other files that the public administration authority will exclude due to important state interests.**
- **Active participation in the proceedings.** Public administration authorities are obliged to ensure active participation at each stage of the proceedings for the parties and, prior to the issuing of the decision, to make it possible for them to express their opinion on the evidence and materials collected, as well as requests submitted.
- The party may **familiarize themselves** with the case evidence, supplement the application submitted and make a statement to the minutes.



### 3.1 OBLIGATION TO REGISTER RESIDENCE OR OBTAIN A RESIDENCE CARD

If the stay on the territory of the Republic of Poland lasts for more than 3 months, the EU citizen and his/her family member holding EU citizenship are **obliged to register their stay**, while a family member, who is not an EU citizen is obliged to obtain **a residence card for the EU citizen's family member**. The obligation to register residence does not apply to EU citizens, who exercise their right of residence to seek employment. For information on conditions of residence, see section 2.3.

### 3.2 AUTHORITY HANDLING THE APPLICATION

An application to **register the residence of an EU citizen and** an application for a **residence card** for a family member of an EU citizen, who does not hold EU citizenship, shall be submitted to **the voivode competent for the EU citizen's place of residence**.

The authority competent for issuing a residence card in the case of retention of the right of residence is the voivode responsible for the place of residence of the family member.

### 3.3 SUBMITTING AN APPLICATION

An application to register the residence of an EU citizen shall be submitted in **person** (the application should be signed by the applicant and his/her personal appearance is required when submitting the application or when summoned by an authority), **no later than on the day following the lapse of 3 months from the day of entry** into the territory of the Republic of Poland. The obligation to register residence also applies to family members of EU citizens who also hold EU citizenship.

An application for a residence card shall be submitted by a non-EU citizen family member **in person, no later than on the day following the lapse of 3 months from the date of entry** into the territory of the Republic of Poland.

Application in case of:

- 1) a minor - shall be submitted (i.e. signed) by the parents or guardians, appointed by a court or other authority or by one of the parents or guardians appointed by a court or other authority;
- 2) a person under plenary guardianship - who is under parental authority - shall be submitted by the parents, or, in the case of a person not under parental authority, by a guardian appointed by a court or other authority;
- 3) an unaccompanied minor - shall be submitted by a guardian.

**The presence of a non-EU citizen minor family member who has reached the age of 6 years** by the date of application is **required** when applying for a residence card.

**NOTE: In particularly justified cases, including due to the state of health of the EU citizen or non-EU citizen family member, the requirement to appear in person may be waived.**

### 3.4 FINGERPRINTS FOR THE ISSUE OF A RESIDENCE CARD

Fingerprints shall be taken from a non-EU family member applying for a residence card who has reached the age of 6 years by the date of application.

No fingerprint image shall be included in the residence card if:

- 1) it is issued to a person from whom fingerprinting is physically impossible, or
- 2) personal appearance at the submission of the application is waived due to a particularly justified case, including the applicant's state of health.

### 3.5 DOCUMENTS REQUIRED - REGISTRATION OF RESIDENCE OF AN EU CITIZEN

1. Completed application form for registering the residence (of an EU citizen); the application form can be found [here](#);
2. Four biometric photographs taken no earlier than 6 months prior to the date of application, meeting the specified [requirements](#);
3. A valid travel document or other valid document proving identity and nationality (original for inspection);

Note: Failure to submit any of the above-mentioned documents will result in the applicant being summoned to complete the missing documents within a period of no less than 7 days from the date of service of the summons under pain of leaving the application unprocessed;

In proceedings in the matters regulated by the Act, an EU citizen, if he or she is unable to produce a travel document or any other document proving identity and nationality, may produce evidence other than an official document which establishes identity and nationality beyond reasonable doubt.

4. Other documents required:

**a) for employees:**

- an employment contract, a certificate of employment, a written declaration by the employer or entity authorised to employ the EU citizen of its intention to employ the EU citizen (when the work is to be performed), or

**b) for self-employed persons in Poland:**

- a written declaration of entry in the National Court Register or in the Central Electronic Register and Information on Business Activity or other proof that the EU citizen is self-employed in the territory of the Republic of Poland;

**c) for students or persons undergoing vocational training:**

- a certificate of the entity conducting the studies on admission to studies or continuation of studies, or certificate of the entity conducting vocational training on admission to such training,
- health insurance document proving:
  - coverage by public health insurance in Poland (e.g. confirmation from the National Health Fund (NFZ), from the Social Insurance Institution (ZUS)), or
  - the right to receive health care benefits under provisions on the coordination of social security schemes, or
  - holding private health insurance that covers any expenses that may arise during a stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to pay the costs of health services provided to the insured directly to the entity providing such services, on the basis of a bill issued by that entity (insurance policy);

- a written declaration that they have sufficient financial resources to support themselves and their family members in the territory of the Republic of Poland so as not to become a burden on social assistance, or proof of their possession;

**d) for economically inactive people:**

- **health insurance** document proving:
  - coverage by public health insurance in Poland (e.g. confirmation from the National Health Fund (NFZ), from the Social Insurance Institution (ZUS)), or
  - the right to receive health care benefits under the provisions on the coordination of social security schemes, or
  - holding private health insurance that covers any expenses that may arise during a stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to pay the costs of health services provided to the insured directly to the entity providing such services, on the basis of a bill issued by that entity (insurance policy);
- proof of **sufficient financial means to maintain oneself and family members** in the territory of the Republic of Poland, so as not to constitute a burden on social assistance (financial means in excess of the social assistance thresholds for single persons (more than PLN 776 per month) or persons in a family (more than PLN 600 per month per person) are considered sufficient).

Evidence of having sufficient financial means to support oneself and family members so as not to be a burden on social assistance can be, in particular:

- 1) a credit card limit certificate issued by the bank that issued the credit card - issued no earlier than one month before the date of application for registration of residence;
- 2) a certificate confirming the possession of funds in a bank or a cooperative savings and credit union with its registered office in the territory of the Republic of Poland or another European Union Member State, a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area, the Swiss Confederation or the United Kingdom of Great Britain and Northern Ireland - issued not earlier than a month before the day on which the application for registration of residence is submitted;
- 3) a document confirming the award of a national or foreign scholarship;
- 4) certificate of employment and earnings - issued not earlier than one month before the date of application for registration of residence.

When assessing whether the condition of having sufficient financial resources is met, the participation of the EU citizen in aid programmes co-financed by EU funds to combat social exclusion and strengthen social inclusion is taken into account.

**e) for spouses of Polish citizens:**

- a document confirming the conclusion of a marriage to a Polish citizen,

**f) for family members of EU citizens:**

- a certificate of registration of residence of an EU citizen issued to an EU citizen with whom a member of his/her family resides in the territory of the Republic of Poland (or a document confirming the right of permanent residence of the EU citizen) and:

- spouse - a document confirming the conclusion of a marriage,
- direct descendants - a document proving the existence of family ties and a document proving age or proving dependency on the EU citizen or his/her spouse,
- direct ascendants - a document proving the existence of family ties and a document proving the dependency on the EU citizen or his/her spouse,
- direct ascendants of a minor EU citizen - a document confirming actual custody of the minor EU citizen and a document confirming dependency of the minor EU citizen on the applicant;

**g) for other relatives of an EU citizen or a citizen of the Republic of Poland:**

- proof of financial dependence on, or of being in a household with that citizen in the country from which the applicant has come, or
- proof that serious health reasons require personal care of the relative by an EU citizen or a citizen of the Republic of Poland whom he/she joins or with whom he/she resides in the territory of the Republic of Poland;

**h) for persons maintaining a family life with an EU citizen or a Polish citizen within the meaning of the European Convention on Human Rights:**

- proof of family life with an EU or Polish citizen.

It is also possible to provide evidence of fulfilment of the relevant prerequisites for retaining the right of residence or having the right of residence referred to in Article 19a of the Act (see paragraph 2.3(VI) of the information).

**Note:** If there is a need for clarification or explanation of the evidence held by the authority in a given case, the foreigner may be called upon in the course of the proceedings to submit additional documents or evidence confirming the circumstances referred to in the application.

### 3.6 DOCUMENTS REQUIRED - RESIDENCE CARD

1. A completed application form for the issue of the residence card (for a **non-EU citizen family member**); the application form can be found [here](#);
- 2 Four biometric photographs taken no more than 6 months before the date of application meeting the specified [requirements](#);
3. Valid travel document (original for inspection);

Note: Failure to submit any of the above-mentioned documents will result in the applicant being summoned to complete the missing documents within a period of no less than 7 days from the date of service of the summons under pain of leaving the application unprocessed;

In proceedings in the cases regulated by the Act, a family member of an EU citizen may, in the absence of being able to produce a travel document, present evidence other than an official document which will allow identity and nationality to be proven beyond reasonable doubt.

4. Other documents required:

- **for family members of EU citizens:**

- a certificate of registration of residence of an EU citizen issued to an EU citizen with whom a member of his/her family resides in the territory of the Republic of Poland (or a document confirming the right of permanent residence of the EU citizen) and:

- spouse - a document confirming the conclusion of a marriage,
  - direct descendants - a document confirming the existence of family ties and a document proving age or certifying dependency on the EU citizen or his/her spouse,
  - direct ascendants - a document proving the existence of family ties and a document proving the dependency on the EU citizen or his/her spouse,
  - direct ascendants of a minor EU citizen - a document confirming actual custody of the minor EU citizen and a document confirming dependency of the minor EU citizen on the applicant,
- **for family members of Polish citizens:**
- spouse - a document confirming the conclusion of a marriage,
  - direct descendants - a document confirming the existence of family ties and a document proving age or certifying dependency on the Polish citizen or his/her spouse,
  - direct ascendants - a document proving the existence of family ties and a document proving the dependency on the Polish citizen or his/her spouse,
  - direct ascendants of a minor Polish citizen - a document confirming actual custody of a minor Polish citizen and a document confirming dependency of a minor Polish citizen on the applicant,

In addition to the above-mentioned documents, the following are required for family members of Polish citizens:

- a document confirming that the citizen of the Republic of Poland, immediately prior to his/her arrival on the territory of the Republic of Poland, held the right of residence for more than 3 months or the right of permanent residence in another EU/EEA Member State, the Swiss Confederation or the United Kingdom of Great Britain and Northern Ireland,
- evidence of the Polish citizen's intention to reside permanently in the territory of the Republic of Poland (e.g. a written declaration of the Polish citizen, his/her statutory representative or direct ascendant having actual custody of a minor Polish citizen on his/her intention to reside permanently in the territory of the Republic of Poland),
- a document confirming that a citizen of the Republic of Poland previously had citizenship of another EU/EEA state, the Swiss Confederation or the United Kingdom of Great Britain and Northern Ireland, if it concerns spouses of such Polish citizens.

It is also possible to provide evidence of fulfilment of the relevant prerequisites for retaining the right of residence or having the right of residence referred to in Article 19a of the Act (see paragraph 2.3(VI) of the information).

**Note:** If there is a need for clarification or explanation of the evidence held by the authority in a given case, the foreigner may be called upon in the course of the proceedings to submit additional documents or evidence confirming the circumstances referred to in the application.

### 3.7 FEES REQUIRED

No fees are charged for the registration of residence and the issuing of a certificate of registration of residence for an EU citizen, as well as for the issuing of a residence card for a family member of an EU citizen.

### 3.8 CERTIFICATE OF APPLICATION FOR A RESIDENCE CARD

A non-EU citizen family member shall be issued a certificate of application for a residence card without delay.

### 3.9 CASE PROCESSING TIME

The registration of the EU citizen's residence and the issuing of a registration certificate for the EU citizen should take place immediately, i.e. without undue delay, or the registration of the residence shall be refused within this period.

A residence card for a family member of an EU citizen shall be issued within 6 months of the date of application, or the card shall be refused within this period.

### 3.10 INFORMATION ON THE DOCUMENT ISSUED

An EU citizen, whose residence has been registered, shall be issued with **an EU citizen's Certificate of Registration of Residence** valid for 10 years. A valid travel document or other valid document confirming identity and nationality must be presented when collecting the EU citizen's registration certificate. If the certificate is collected by the applicant's attorney, a specific power of attorney to collect the certificate must be presented. The registration certificate of the EU citizen's residence shall bear the indication "Directive 2004/38/EC".

**The residence card** for a family member of an EU citizen shall be valid for 5 years, and in the event that the intended period of residence of the EU citizen on the territory of the Republic of Poland, which the family member joins or stays with, is shorter than 5 years, the document shall be valid for the intended period of residence of the EU citizen. The entry "Family member of EU citizen, Article 10 of Directive 2004/38/EC" shall be added to the residence card.

A family member, who is not an EU citizen is obliged to possess a residence card for a family member of an EU citizen, which confirms his/her right to reside on the territory of the Republic of Poland and entitles him/her, together with a valid travel document, to repeatedly cross the border without a visa.

### 3.11 RECEIPT OF THE DOCUMENT

The EU citizen shall collect the EU citizen's residence registration certificate upon presentation of a valid travel document or other valid document proving his/her identity and nationality. A family member, who is not an EU citizen, shall collect the residence card in person upon presentation of a valid travel document.

If the document has been issued to a minor, who has not reached the age of 13 by the date of collection, or to a person who is completely incapacitated, collection of the certificate or residence card shall be carried out by the parent, legal guardian or curator, as appropriate, upon presentation of a valid document proving his/her identity.

**An attorney, on the basis of a specific power of attorney for the receipt of this certificate,** may collect the **EU citizen's registration certificate** upon presentation of a document proving his/her identity.

**Receipt of the residence card** issued to a person, who is either totally incapacitated or a minor, who has **reached the age of 6 years on the** date of application for the residence card shall **require the presence of that person.** Before the residence card is collected, an electronic reader shall be used to check that the personal data contained therein are factually correct.

In cases where the requirement to appear in person at the time of application has been waived, the residence card may be collected by an attorney, on the basis of a special power of attorney to collect the document, upon presentation of a document proving his/her identity.

### **3.12 PENALTIES FOR FAILURE TO REGISTER THE RESIDENCE OF AN EU CITIZEN OR TO OBTAIN A RESIDENCE CARD**

Failure to register the residence of an EU citizen or to obtain a residence card for a family member of an EU citizen on the territory of the Republic of Poland is punishable by a fine. Adjudication of these cases takes place according to the procedure set out in the Act of 24 August 2001. - Code of Conduct in Offence Cases (Journal of Laws of 2022, item 1124 as amended).

### **3.13 LEAVING THE APPLICATION UNPROCESSED**

An application to register the residence of an EU citizen or to issue a residence card for a family member of an EU citizen shall be left unprocessed, if it does not meet the requirements established by law:

1. **contains formal deficiencies which the foreigner has failed to remedy despite being summoned to do so within a period of not less than 7 days, which are considered to be, for example:**
  - failure to submit an application on the appropriate form;
  - failure to complete all required sections of the application form;
  - failure to present a valid travel document or, in the case of an EU citizen, alternatively another valid document proving his/her identity and nationality;
  - failure to attach the required photographs to the application;
2. **the application has not been submitted by the applicant in person** and, despite a request to appear in person within a specified period of not less than 7 days, the applicant has failed to appear at the office;
3. **a family member applying for a residence card has not submitted fingerprints** for the issuance of a residence card and, despite a request to appear in person and submit fingerprints within a specified period of no less than 7 days, the foreigner has failed to fulfil this obligation;

Points 2 and 3 shall not apply in duly justified cases where the personal appearance requirement is waived, among others, due to the state of health of the EU citizen or of the non-EU family member. Point 3 shall not apply when the residence card is issued to a person from whom fingerprinting is physically impossible.

In proceedings in the matters regulated by the Act, an EU citizen or a member of the family of an EU citizen, if it is not possible to produce a travel document or any other document proving identity and nationality, may produce evidence other than an official document which proves their identity and nationality beyond reasonable doubt.

### 3.14 REFUSAL TO REGISTER THE RESIDENCE OF AN EU CITIZEN OR TO ISSUE A RESIDENCE CARD

An EU citizen shall be refused registration of residence and a family member who is not an EU citizen shall be refused a residence card if:

- 1) **the conditions of residence for a period exceeding 3 months have not been met, or**
- 2) it is required **for reasons of defence or state security or the protection of public safety and order, or,**
- 3) in proceedings for registration of residence or for the issue of a residence card:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or falsified a document for the purpose of using it or has used such a document as authentic, or
- 4) seeks to register his/her residence or to be issued a residence card in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation governing entry to, stay in and exit from the territory of the European Union.

A family member, who is not an EU citizen shall be refused a residence card also, if his/her **marriage to an EU citizen or to a citizen of the Republic of Poland was concluded in order to circumvent the provisions** determining the rules and conditions for the entry of foreigners into, transit through, stay in and departure from the territory of the Republic of Poland.

The provision on refusal of registration of residence on the grounds that the conditions for residence are not met shall not apply to:

- 1) an EU citizen, who is a family member of an EU citizen or a citizen of the Republic of Poland, other than the one referred to in Article 2(4), who joins him/her or stays with him/her in the territory of the Republic of Poland, due to:
  - a) being financially dependent on him/her, or being in a household with him/her, in the country from which the EU citizen applying for registration of residence has come, or
  - b) for serious health reasons requiring personal care, by an EU citizen or a citizen of the Republic of Poland whom that citizen is joining or staying with in the territory of the Republic of Poland;
- 2) an EU citizen having a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms drawn up in Rome on 4 November 1950 (Journal of Laws of 1993, item 284, as amended), with an EU citizen or a citizen of the Republic of Poland whom that citizen joins or resides with in the territory of the Republic of Poland.

In the case of an EU citizen maintaining a family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, the authority which conducts the proceedings on the registration of residence of an EU citizen shall establish, in particular, whether the bonds between that citizen and the EU citizen or the citizen of the Republic of Poland with whom that citizen joins or resides on the territory of the Republic of Poland are real and permanent.

A decision to refuse on the grounds of defence or state security or the protection of public safety and order should take into account the principle of proportionality and be based solely on the behaviour of the person concerned, which constitutes a genuine, present and sufficiently serious threat to the public interest. The person's previous criminal record cannot constitute a per se basis for such a decision. The aforementioned threats cannot be invoked for economic purposes.



### 3.15 CANCELLATION OF AN EU CITIZEN'S RESIDENCE REGISTRATION OR RESIDENCE CARD

Registration of residence shall be cancelled if:

- 1) In proceedings for registration of residence, the applicant:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or altered a document in order to use it as authentic or has used such a document as authentic or
- 2) it is required **for reasons of defence or state security or the protection of public safety and order**, or
- 3) the EU citizen **does not fulfil the conditions of residence** laid down in Article 16, Article 17, Article 19(1) or (3) or Article 19a, or
- 4) the EU citizen has registered his/her stay in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Agreement (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation governing entry to, stay in and exit from the territory of the European Union.

The residence card shall be cancelled in the event that:

- 1) it is required **for reasons of defence or state security or the protection of public safety and order**, or
- 2) In a residence card procedure, the applicant:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or altered a document for the purpose of using it or has used such a document as authentic, or
- 3) the **marriage to an EU citizen or a citizen of the Republic of Poland has been concluded in order to circumvent the provisions** defining the rules and conditions for the entry of foreigners into, transit through, stay in and departure from the territory of the Republic of Poland, or
- 4) the family member **does not meet the conditions for residence** set out in Articles 18-19a, or
- 5) the family member has obtained a residence card in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation governing entry to, stay in and exit from the territory of the European Union.

A decision to cancel a residence registration or a residence card for reasons of defence or state security or the protection of public safety and order should take into account the principle of proportionality and be based solely on the behaviour of the person concerned which constitutes a genuine, present and sufficiently serious threat to a public interest. The person's previous criminal record cannot constitute a per se basis for such a decision. The aforementioned threats cannot be invoked for economic purposes.

## CHAPTER IV - CERTIFICATE CONFIRMING THE PRESUMPTION OF BEING A VICTIM OF TRAFFICKING IN HUMAN BEINGS

An EU citizen or a non-EU family member who is presumed to be a victim of trafficking in human beings within the meaning of Article 115 § 22 of the Act of 6 June 1997 - Penal Code (Journal of Laws of 2024, item 17 as amended), hereinafter referred to as the “Penal Code”, shall be issued with a **certificate confirming the presumption of being a victim of trafficking in human beings**.

The certificate shall be issued by the authority competent to prosecute the offence of human trafficking referred to in Article 189a § 1 of the Penal Code.

The certificate shall be valid for a period of 3 months from the date of issue and, in the case of a minor EU citizen or a minor family member who is not an EU citizen, for a period of 4 months from the date of issue.

A **further certificate** may be issued to an EU citizen or non-EU family member for a period of at least 6 months, but no longer than 3 years, where the following conditions are met:

- 1) he/she resides in the territory of the Republic of Poland;
- 2) he/she has cooperated with an authority competent to conduct proceedings in the case of an offence of trafficking in human beings referred to in Article 189a § 1 of the Penal Code or, in the case of a minor foreigner, has been granted the status of a victim in proceedings in the case of an offence of trafficking in human beings referred to in Article 189a § 1 of the Penal Code;
- 3) he/she has severed contacts with persons suspected of committing the offence of human trafficking referred to in Article 189a § 1 of the Penal Code.

The certificate **shall be cancelled by the authority which issued it** in the event that:

- 1) the grounds for its issue have ceased to exist, or
- 2) in proceedings for the issue of a certificate, the applicant:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or altered a document for the purpose of using it or has used such a document as authentic, or
- 3) it is required for reasons of defence or state security or the protection of public safety and order.

### 5.1 ISSUANCE OF A DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE AND OBLIGATION TO OBTAIN A PERMANENT RESIDENCE CARD

An EU citizen who has acquired, in accordance with the required conditions, the right of permanent residence in the territory of the Republic of Poland shall, upon application, **be issued with a document certifying the right of permanent residence**. A family member, who is not an EU citizen and who has acquired, in accordance with the required conditions, the right of permanent residence on the territory of the Republic of Poland shall be **obliged to obtain a permanent residence card**. Information on the conditions of residence for a period exceeding 3 months and on the conditions of acquiring the right of permanent residence can be found in point 2.3 of the information.

### 5.2 AUTHORITY PROCESSING THE APPLICATION

An application for a **document certifying the right of permanent residence** and an application for a **permanent residence card** for a family member of an EU citizen who does not hold EU citizenship shall be submitted to the **voivode competent for the place of residence of the EU citizen**.

The competent authority for issuing a permanent residence card in the event of the retention of the right of residence or death of an EU citizen is the voivode responsible for the place of residence of the family member.

### 5.3 SUBMITTING AN APPLICATION

A document certifying the right of permanent residence is issued upon application by an EU citizen, and a permanent residence card is issued upon application by a family member, who is not an EU citizen.

A family member, who is not an EU citizen, shall apply for a permanent residence card **before the expiry date of the residence card**.

An application for a document certifying the right of permanent residence or a permanent residence card shall be submitted **in person** (the application should be signed by the applicant and the applicant is required to appear in person, when submitting the application or when summoned by the authority), except in the following cases:

Application in case of:

- 1) a minor - shall be submitted (i.e. signed) by the parents or guardians appointed by a court or other authority or by one of the parents or guardians appointed by a court or other authority;
- 2) a person under plenary guardianship - who is under parental authority - shall be submitted by the parents, or, in the case of a person not under parental authority, by a guardian appointed by a court or other authority;
- 3) an unaccompanied minor - shall be submitted by the guardian.

**The presence of a non-EU national minor family member who has reached the age of 6** by the date of application is **required** when applying for a permanent residence card.

**NOTE: In particularly justified cases, including due to the state of health of the EU citizen or non-EU citizen family member, the requirement to appear in person may be waived.**

## 5.4 FINGERPRINTS FOR THE ISSUE OF A PERMANENT RESIDENCE CARD

Fingerprints shall be taken from a non-EU family member applying for a permanent residence card, who has reached the age of 6 years by the date of application.

No fingerprint image shall be included in the permanent residence card if:

- 1) it is issued to a person from whom fingerprinting is physically impossible, or
- 2) personal appearance at the submission of the application is waived due to a particularly justified case, including the applicant's state of health.

## 5.5 REQUIRED DOCUMENTS

When applying for a document certifying the right of permanent residence or permanent residence card, it is necessary to provide:

1. A completed application form for the issue of the document certifying the permanent residence right (of an EU citizen) or an application form for the issue of the permanent residence card (for a non-EU citizen family member); application forms can be found [here](#);
2. Four biometric photographs taken no earlier than 6 months prior to the date of application meeting the specified [requirements](#);
3. A copy of a valid travel document or, in the case of an EU citizen, another valid document proving identity and nationality (original to be submitted for inspection);

Note: Failure to submit any of the above-mentioned documents will result in the applicant being summoned to complete the missing documents within a period of no less than 7 days from the date of service of the summons under pain of leaving the application unprocessed;

In proceedings in the matters regulated by the Act, an EU citizen or a member of the family of an EU citizen, if he or she is unable to produce a travel document or any other document proving identity and nationality, may produce evidence other than an official document which proves identity and nationality beyond reasonable doubt.

4. Other documents required:

a) **for an EU citizen**, documents confirming 5 years of uninterrupted stay in the territory of the Republic of Poland and meeting during that time the conditions of the right of residence for a period exceeding 3 months or retaining the right of residence or having the right of residence referred to in Article 19a of the Act (see point 2.3(III), (IV), (VI), (VIII) of the information and documents listed in point 3.5 sub-point 4.a-f of the information);

b) **in the case of a family member, who does not have EU citizenship**, documents confirming 5 years of uninterrupted residence on the territory of the Republic of Poland with an EU citizen or with a citizen of the Republic of Poland and meeting during that time the conditions of the right of residence for a period exceeding 3 months concerning the family member or retaining the right of residence or having the right of residence referred to in Article 19a of the Act (see points 2.3(IV), (V), (VI)(b) of the information regarding Article 19(2) or (3) of the Act and (c), (VIII) of the information, and the documents listed in point 3.6 of the information);

c) **in the case of an EU citizen or a non-EU family member, who is the spouse of a Polish citizen:**

- document confirming the conclusion of a marriage to a citizen of the Republic of Poland,

- documents confirming 3 years of uninterrupted residence in the territory of the Republic of Poland and meeting the conditions of the right of residence for a period exceeding 3 months during that period, or retaining the right of residence or having the right of residence referred to in Article 19a of the Act (see points 2.3(III), IV, V, VI, VIII of the information, and the documents listed in points 3.5 sub-point 4.a-f and 3.6 of the information);

d) **in the case of early acquisition of the right of permanent residence** (before the expiry of the 5-year residency period) in the cases provided for by the legislation, evidence that the required prerequisites have been fulfilled (see points 2.3(VIII) on the prerequisites under Article 45 or Article 46 of the Act);

e) if necessary, documents proving that any interruption of the stay of more than 6 months in a year, up to 12 consecutive months, was due to important personal circumstances, in particular pregnancy, childbirth, illness, studies, vocational training, secondment.

**Note:** If there is a need for clarification or explanation of the evidence held by the authority in a given case, the foreigner may be called upon in the course of the proceedings to submit additional documents or evidence confirming the circumstances referred to in the application.

## 5.6 FEES REQUIRED

No fees are charged for the issuance of a document certifying the right of permanent residence, as well as for the issuance of a permanent residence card for a family member of an EU citizen.

## 5.7 CASE PROCESSING TIME

The document certifying the right of permanent residence shall be issued immediately after the application for its issue is made, i.e. without undue delay, or it shall be refused within this period.

A permanent residence card for a family member of an EU citizen shall be issued within 6 months of the date of application, or it shall be refused within that period.

## 5.8 INFORMATION ON THE DOCUMENT ISSUED

The document certifying the right of permanent residence and the permanent residence card are valid for 10 years. The document certifying the right of permanent residence shall bear the annotation "Directive 2004/38/EC".

A family member of an EU citizen shall be obliged to hold a permanent residence card, which confirms his/her right to permanent residence in the territory of the Republic of Poland and entitles him/her, together with a valid travel document, to cross the border multiple times without a visa. The permanent residence card shall bear the annotation "EU citizen's family member, Article 20 of Directive 2004/38/EC".

## 5.9 RECEIPT OF THE DOCUMENT

The EU citizen, when collecting the document certifying the right of permanent residence, shall present a valid travel document or other valid document proving his/her identity and nationality. A family member, who is not an EU citizen, collects the permanent residence card in person upon presentation of a valid travel document.

If the document has been issued to a minor, who has not reached the age of 13 by the date of collection, or to a person, who is completely incapacitated, the document or permanent residence card shall be collected by the parent, legal guardian or curator, respectively, upon presentation of a valid document proving his/her identity.

**Collection of the document certifying the right of permanent residence** may be carried out by an **attorney**, on the **basis of a special power of attorney to receive this document**, upon presentation of a document confirming his/her identity.

**The receipt of a permanent residence card** issued to a person, who is totally incapacitated or a minor who **has reached the age of 6** by the date of application for the card **requires the presence of that person**. Prior to the collection of the permanent residence card, it shall be checked by means of an electronic reader whether the personal data contained therein are factually correct.

In cases where the requirement to appear in person at the time of application has been waived, the permanent residence card may be collected by an attorney, on the basis of a special power of attorney to collect this document, upon presentation of a document proving his/her identity.

## **5.10 PENALTIES FOR FAILURE TO OBTAIN A PERMANENT RESIDENCE CARD**

Failure to obtain a permanent residence card for a family member of an EU citizen on the territory of the Republic of Poland is punishable by a fine. Adjudication of these cases takes place according to the procedure set out in the Act of 24 August 2001. - Code of Conduct in Offence Cases (Journal of Laws of 2022, item 1124 as amended).

## **5.11 LEAVING THE APPLICATION UNPROCESSED**

An application for a document certifying the right of permanent residence or a permanent residence card for a family member of an EU citizen shall be left unprocessed, if it does not meet the requirements established by law:

**1. contains formal deficiencies, which the foreigner has failed to remedy despite being summoned to do so, within a period of not less than 7 days, which are considered to be, for example:**

- failure to submit an application on the appropriate form;
- failure to complete all required sections of the application form;
- failure to present a valid travel document or, in the case of an EU citizen, alternatively another valid document proving his/her identity and nationality;
- failure to attach the required photographs to the application;

**2. the application has not been submitted by the applicant in person** and, despite a request to appear in person within a specified period of not less than 7 days, the applicant has failed to appear at the office;

**3. a family member applying for a permanent residence card has not submitted fingerprints** for the purpose of issuing the card, and despite a summons to appear in person and submit fingerprints within the prescribed period of no less than 7 days, the foreigner has failed to fulfil this obligation;

Points 2 and 3 do not apply in particularly justified cases where the personal appearance requirement is waived, among others, due to the state of health of the EU citizen or non-EU family member. Point 3 does not apply when a permanent residence card is issued to a person from whom fingerprinting is physically impossible.

In proceedings in the matters regulated by the Act, an EU citizen or a member of the family of an EU citizen, if it is not possible to produce a travel document or any other document proving identity and nationality, may produce evidence other than an official document which proves their identity and nationality beyond reasonable doubt.

## 5.12 REFUSAL TO ISSUE A DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE OR A PERMANENT RESIDENCE CARD

An EU citizen shall be refused a document certifying the right of permanent residence and a family member, who is not an EU citizen, shall be refused a permanent residence card, where:

- 1) **the conditions for permanent residence have not been met**, or
- 2) it is required **for reasons of defence or state security or the protection of public safety and order**, or,
- 3) in proceedings for a document certifying the right of permanent residence or for a permanent residence card, the applicant:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or falsified a document for the purpose of using it or has used such a document as authentic, or
- 4) an EU citizen or a family member, who is not an EU citizen applies for the issuance of a document certifying the right of permanent residence or a permanent residence card in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Agreement (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation governing entry to, stay in and exit from the territory of the European Union.

A family member, who is not an EU citizen shall also be refused a permanent residence card, if the **marriage to an EU citizen or a citizen of the Republic of Poland was concluded in order to circumvent the provisions** determining the rules and conditions for the entry of foreigners into, transit through, stay in and departure from the territory of the Republic of Poland.

A decision to refuse on the grounds of defence or state security or the protection of public safety and order should take into account the principle of proportionality and be based solely on the behaviour of the person concerned which constitutes a genuine, present and sufficiently serious threat to the public interest. A previous criminal record of the person in question cannot constitute a per se basis for such a decision. The aforementioned threats cannot be invoked for economic purposes.

## 5.13 CANCELLATION OF DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE OR PERMANENT RESIDENCE CARD

The document certifying the right of permanent residence shall be cancelled if:

- 1) In proceedings for a document certifying the right of permanent residence, the applicant:
  - a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or
  - b) has given false testimony or has concealed the truth or has forged or altered a document in order to use it as authentic or has used such a document as authentic or
- 2) it is required **on serious grounds of defence or national security or the protection of public safety and order**, or
- 3) the EU citizen has acquired the right of permanent residence in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Agreement (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation regulating the rules of entry to, stay in and exit from the territory of the European Union.

The permanent residence card shall be cancelled, if:

- 1) In proceedings for the issue of a permanent residence card, the applicant:

a) has submitted an application containing false personal data or information or has enclosed documents containing such data or information, or

b) has given false testimony or has concealed the truth or has forged or altered a document in order to use it as authentic or has used such a document as authentic or

2) it is required **on serious grounds of defence or national security or the protection of public safety and order**, or

3) the **marriage to an EU citizen or a citizen of the Republic of Poland has been concluded in order to circumvent the provisions** defining the rules and conditions for the entry of foreigners into, transit through, stay in and departure from the territory of the Republic of Poland, or

4) a family member, who is not an EU citizen has acquired the right of permanent residence in **order to circumvent the legal provisions** in force in another Member State of the European Union, a Member State of the European Free Trade Agreement (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation governing entry to, residence in and exit from the territory of the European Union.

The document certifying the right of permanent residence or the permanent residence card may be cancelled, if the EU citizen or a family member, who is not an EU citizen, **has left the territory of the Republic of Poland for a period exceeding 2 years**.

A decision to cancel a document certifying the right of permanent residence or a permanent residence card issued on grounds of defence or state security or the protection of public safety and order should take into account the principle of proportionality and be based solely on the behaviour of the person concerned, which constitutes a genuine, present and sufficiently serious threat to the public interest. A previous criminal record of the person in question cannot constitute an autonomous basis for such a decision. The aforementioned threats cannot be invoked for economic purposes.



## **6.1 GROUNDS FOR REPLACEMENT AND ISSUE OF NEW DOCUMENTS**

### **Replacement of documents**

The EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card and permanent residence card are subject to **mandatory replacement** in the case of:

1. changes to the data contained therein;
2. damage;
3. loss of document;
4. the facial image of the holder is altered in relation to the facial image on the document to such an extent as to make it difficult or impossible to identify the holder.

### **Issuing a new document**

When an EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card **expires**, new documents are issued.

**NOTE: EU citizen's residence registration certificates, EU citizen's family member residence cards, documents certifying the right of permanent residence and EU citizen's family member permanent residence cards issued to EU citizens or non-EU citizen family members until 1 August 2021 will remain valid for the period for which they have been issued, but no longer than until 3 August 2026.** Therefore, for the period from 2 August 2021 until 3 August 2026, an EU citizen may, upon request, be issued with a new EU citizen's residence registration certificate in the new format used for this document from 2 August 2021.

## **6.2 APPLICATION FORMS FOR REPLACEMENT OR NEW DOCUMENT**

To replace or issue a new document, an application must be submitted:

- on the application form for the replacement / issue of a new certificate of registering the residence of a European Union citizen, or
- on the application form for a replacement / issue of a new residence card (for a non-EU citizen family member), or
- on the application form for the replacement / issue of a new document certifying the permanent residence right (of an EU citizen), or
- on the application form for the replacement / issue of a new permanent residence card (for a non-EU citizen family member).

Application forms can be found [here](#).

## **6.3 COMPETENT AUTHORITY**

The authority competent to exchange or issue a new document is the voivode competent for the EU citizen's place of residence.

In the case of retention of the right of residence by a family member of an EU citizen or in the case referred to in Article 46(2) of the Act, the competent authority for the replacement or issuing of a new residence

card or permanent residence card is the voivode competent for the place of residence of the family member.

#### **6.4 INFORMATION ON SUBMITTING AN APPLICATION**

An application for the replacement of a document shall be submitted **within 14 days after the grounds for its replacement have arisen**.

The application for a new document shall be submitted **at least 30 days before the expiry of its validity**.

The application for replacement or issuance of a new document **shall be submitted by the holder of the document**, i.e. the EU citizen or non-EU family member respectively, **in person**.

The requirement to appear in person does not apply to:

1. a minor EU citizen;
2. a minor family member, who is not an EU citizen and who has not reached the age of 6 years at the date of application.

Note: In particularly justified cases, including due to the state of health of the EU citizen or non-EU citizen family member, the requirement to appear in person may be waived.

Application for replacement or issue of a new document in the case of an EU citizen or non-EU family member who is:

1. a minor - shall be submitted (i.e. signed) by the parents or guardians appointed by a court or other authority or by one of the parents or guardians appointed by a court or other authority;
2. a person under plenary guardianship - shall be submitted by a guardian appointed by a court or other authority;
3. an unaccompanied minor - shall be submitted by the guardian.

#### **6.5 FINGERPRINTS FOR THE REPLACEMENT OR ISSUE OF A NEW RESIDENCE CARD OR PERMANENT RESIDENCE CARD**

Fingerprints shall be taken from a non-EU citizen family member applying for the replacement or issuing of a new residence card or permanent residence card, who has reached the age of 6 years by the date of application.

No fingerprint image shall be included in the residence card or permanent residence card, if:

- 1) is issued to a person from whom fingerprinting is physically impossible, or
- 2) personal appearance at the submission of the application is waived due to a particularly justified case, including the applicant's state of health.

#### **6.6 DOCUMENTS REQUIRED**

1. A completed application for the replacement or issue of a new EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card;
2. Two biometric photographs taken not more than 6 months before the date of application meeting the specified [requirements](#);

3. A valid travel document or other valid document proving identity and nationality or, in the case of a family member, who is not an EU citizen, a valid travel document (original for inspection);

4. Documents or other evidence of the need to replace the document.

#### **6.7 DEADLINE FOR REPLACEMENT OR ISSUE OF A NEW DOCUMENT**

The replacement or issuing of a new EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card shall take place without delay.

#### **6.8 RECEIPT OF NEW OR REPLACED DOCUMENT**

The provisions regarding the receipt of an issued document apply to the collection of a new or replaced document (see points 3.11 and 5.9 of the information).

#### **6.9 PENALTIES FOR FAILURE TO REPLACE THE RESIDENCE CARD OR PERMANENT RESIDENCE CARD**

Evasion of the obligation to replace a residence card or permanent residence card is punishable by a fine. Adjudication of these cases is carried out according to the procedure set out in the Act of 24 August 2001.  
- Code of Conduct in cases of offences (Journal of Laws of 2022, item 1124 as amended).

## CHAPTER VII - OBLIGATIONS RELATING TO THE LOSS, DAMAGE OR RECOVERY OF A LOST DOCUMENT OR TO FINDING ANOTHER PERSON'S DOCUMENT

### 7.1 OBLIGATION TO NOTIFY LOSS OR DAMAGE OF A DOCUMENT

An EU citizen or a non-EU citizen family member, who **has lost or damaged** an EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card, **shall, within 3 days from the date of their loss or damage, notify the authority which issued the documents.**

### 7.2 FORM FOR REPORTING A LOST OR DAMAGED DOCUMENT

Notification shall be made **on the form for reporting the loss or damage** of an EU citizen's residence registration certificate or residence card or **on the form for reporting the loss or damage of** a document certifying the right of permanent residence or permanent residence card.

Forms for reporting lost or damaged documents can be found [here](#).

### 7.3 CERTIFICATE OF LOSS OR DAMAGE TO A DOCUMENT

An EU citizen or a non-EU family member, who has given notice of the loss or damage to a document shall be issued with a certificate confirming this fact free of charge, which shall be valid until the document has been replaced, but for no longer than 2 months.

### 7.4 PENALTIES FOR FAILURE TO NOTIFY LOSS OF A DOCUMENT

Whoever, contrary to his/her duty, does not notify of the loss of an EU citizen's residence registration certificate, residence card, document certifying the right of permanent residence or permanent residence card within 3 days of loss thereof, shall be liable to a fine. Adjudication of these cases takes place according to the procedure set out in the Act of 24 August 2001. - Code of Conduct in cases of offences (Journal of Laws of 2022, item 1124 as amended).

### 7.5 OBLIGATION TO NOTIFY RECOVERY OF THE LOST DOCUMENT

An EU citizen or a non-EU citizen family member, who **has recovered a lost** EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card, **shall, within 3 days of their recovery, notify the authority that issued the documents.**

### 7.6 OBLIGATION TO RETURN THE RECOVERED DOCUMENT

An EU citizen or a non-EU family member, who has received the said EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card in place of the lost document, shall **immediately return the recovered documents to the authority which issued them.**

### 7.7 OBLIGATION TO RETURN ANOTHER PERSON'S FOUND DOCUMENT

A person, who **has found someone else's** certificate of residence of an EU citizen, a document certifying the right of permanent residence, a residence card or a permanent residence card shall **immediately hand them over** to a voivode, a voivodship police chief, a poviát police chief, a chief of a police station, another

public administration body or a consul of the Republic of Poland. These entities shall immediately hand over the found documents to the authority which issued them for annulment.

### 8.1 GROUNDS FOR THE OBLIGATION TO RETURN A DOCUMENT

In addition to the obligation to return documents in the cases referred to in points 7.6 and 7.7 of the information, the obligation to return a document applies in the following cases:

I. An EU citizen or a family member, who is not an EU citizen shall return the EU citizen's certificate of registration of residence, document certifying the right of permanent residence, residence card or permanent residence card to the authority, which issued them, in the event that:

1) **he/she acquired Polish citizenship;**

2) **a decision has been issued to him/her to cancel his/her registration of residence or to cancel his/her document certifying the right of permanent residence, residence card or permanent residence card;**

In addition, the EU citizen or non-EU family member shall return the EU citizen's residence registration certificate or residence card to the authority that issued it when he/she **has obtained a document certifying the right of permanent residence or a permanent residence card.**

II. **An entity entitled to a burial** pursuant to Article 10(1) of the Act of 31 January 1959 on cemeteries and burial of the dead (the Act of 2024, item 576) shall **immediately return** the EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card to the authority which issued them.

### 8.2 DEADLINE FOR RETURNING THE DOCUMENT

The EU citizen or non-EU family member shall return the document **without delay, but no later than 14 days** from the date on which:

- 1) he/she has been served with a document confirming the acquisition of Polish citizenship, or
- 2) the decision on cancellation has become final,
- 3) he/she has received a document certifying the right of permanent residence or a permanent residence card.

**The entity entitled to a burial** pursuant to Article 10(1) of the Act of 31 January 1959 on cemeteries and burial of the dead (the Act of 2024, item 576) shall **immediately return** the certificate of registration of residence of an EU citizen, the document certifying the right of permanent residence, the residence card or the permanent residence card to the authority that issued them.

### 8.3 CERTIFICATE OF RETURN OF THE DOCUMENT

The authority to which the document has been returned shall, **upon application** by the EU citizen or non-EU family member, issue, free of charge, **a return certificate** valid for 30 days.

### 8.4 PENALTIES FOR FAILURE TO RETURN THE DOCUMENT

Evasion of the obligation to return the EU citizen's residence registration certificate, residence card, document certifying the right of permanent residence or permanent residence card is punishable by a fine. Adjudication of these cases takes place according to the procedure set out in the Act of 24 August 2001 - Code of Conduct in Offence Cases (Journal of Laws of 2022, item 1124 as amended).

### **9.1 ANNULMENT OF DOCUMENTS**

The EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card shall be annulled:

- 1) when they are lost or damaged, from the date on which the loss or damage is reported to the competent authority;
- 2) when they need to be replaced due to:
  - a) alteration of the facial image of the holder in relation to the facial image on the document to such an extent as to make it difficult or impossible to identify the holder,
  - b) change of the data contained therein
- on the date of receipt of the new EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card;
- 3) in case of acquisition of Polish citizenship by an EU citizen or a family member, who is not an EU citizen - on the day of expiry of the deadline for return of the document;
- 4) in case of death of the holder - as of the date on which the authority that issued the document becomes aware of the death of the EU citizen or of the family member, who is not an EU citizen;
- 5) when the EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card has not been returned after the decision on their cancellation.

### **9.2 COMPETENT AUTHORITY**

The EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card shall be annulled by:

- 1) the authority that issued them, in the case of:
  - a) acquisition of Polish citizenship by the holder of that document,
  - b) death of the holder,
  - c) when the decision to cancel the document has become final,
  - d) handing over of another person's document by the person who found it, unless it has already been cancelled,
  - e) return the recovered document, unless it has already been cancelled;
- 2) the authority that replaces the EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card, in the case of:
  - a) report of their damage to the competent authority,
  - b) collection of a new document in the event of a change in the particulars appearing on a document or its damage.

### **9.3 THE MANNER OF ANNULMENT OF DOCUMENTS**

An EU citizen's residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card shall be annulled by **entering information on the date and reason for their annulment in the relevant registers kept in the IT system** in matters concerning EU citizens and family members who are not EU citizens.

The annulled documents, if they are available to the staff of the body which annuls them, shall be marked by cutting them in half along the long side at a distance of not less than 3 cm.

### **9.4 RETENTION OF DOCUMENTS**

If the authority carrying out border control or control of legality of residence finds that an EU citizen or a non-EU citizen family member is using an EU citizen's residence registration certificate, a document certifying the right of permanent residence, a residence card or a permanent residence card which he/she was obliged to return in the situations referred to in point 8.1(I) of the information, the authority shall:

- 1) retain such a document;
- 2) issue, free of charge, a certificate confirming retention of such a document;
- 3) send the retained document to the authority that issued it;
- 4) document implementation of the activities referred to in points 1 to 3.

### **9.5 ENTERING INFORMATION ON A LOST OR UNRETURNED DOCUMENT IN THE SCHENGEN INFORMATION SYSTEM (SIS) FOR THE PURPOSE OF SEIZURE**

Where an EU citizen or a non-EU family member fails to return an EU citizen's registration certificate, document certifying the right of permanent residence, residence card or permanent residence card, despite an obligation to do so, or where he or she has given notice of the loss of the document, the authority to which the document should have been returned or the authority which was notified of the loss of the document shall place information about such document in the Schengen Information System for seizure.

The authority having put the information on the document into the Schengen Information System shall delete this information when the document is returned.



## CHAPTER X - PROCEDURE FOR REGISTRATION OF RESIDENCE, ISSUANCE OF A RESIDENCE CARD, DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE AND PERMANENT RESIDENCE CARD TO CITIZENS OF THE UNITED KINGDOM AND MEMBERS OF THEIR FAMILIES, WHO ARE BENEFICIARIES OF THE WITHDRAWAL AGREEMENT

### 10.1 GENERAL PRINCIPLES

Provisions of Chapter 3 and Chapter 4 of the Act concerning the right of residence or the right of permanent residence of EU nationals and members of their families shall apply to the proceedings concerning the right of residence or the right of permanent residence of citizens of the United Kingdom and members of their families, who are beneficiaries of the Withdrawal Agreement in Poland, subject to certain distinctions referred to in this section of the instructions.

**The information contained in Chapters III and V of the information therefore also concerns, in principle, the procedure for registering the residence of citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland, issuing them with a document certifying their right of permanent residence and issuing a residence card and a permanent residence card for family members of those citizens, who do not hold British citizenship, who are beneficiaries of the Withdrawal Agreement in Poland.**

**For information on the residency rights of beneficiaries of the Withdrawal Agreement in Poland, see Chapter II, point 2.4 of the Information.**

### 10.2 SEPARATE APPLICATION FORMS

Separate application forms have been prepared for citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement in Poland.

**From 1 January 2022 onwards are the following application forms:**

- **application for registering the residence** of a citizen of the United Kingdom (who is a beneficiary of the Withdrawal Agreement),
- **application for the issue of the document certifying the permanent residence right** of a citizen of the United Kingdom (who is a beneficiary of the Withdrawal Agreement),
- **application for the issue of the residence card to a family member of a citizen of the United Kingdom** (for a beneficiary of the Withdrawal Agreement who is not a citizen of the United Kingdom),
- **application for the issue of the permanent residence card to a family member of a citizen of the United Kingdom** (for a beneficiary of the Withdrawal Agreement who is not a citizen of the United Kingdom).

Application forms can be found [here](#).

### 10.3 FINGERPRINTS FOR THE ISSUE OF A CERTIFICATE OF REGISTRATION OF RESIDENCE OR DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE

Fingerprints shall be taken from citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement in Poland applying for registration of residence, the issuance of a residence card, a document certifying the right of permanent residence or a permanent residence card, and who have reached the age of 6 years by the date of application, in order to issue residence documents.

A fingerprint image shall not be included in the residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence certificate if:

- 1) it is issued to a person from whom fingerprinting is physically impossible, or
- 2) personal appearance at the submission of the application is waived due to a particularly justified case, including the applicant's state of health.

## 10.4 DOCUMENTS TO ACCOMPANY THE APPLICATION FOR REGISTRATION OF RESIDENCE AND THE APPLICATION FOR THE ISSUE OF A RESIDENCE CARD

Lists of documents and written statements to accompany applications can be found [here](#).

1. A completed application for registration of residence (for citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement) or an application for a residence card (for a family member who is not a citizen of the United Kingdom);

2 Four biometric photographs taken no more than 6 months before the date of application meeting the specified [requirements](#);

3. A copy of a valid travel document or, in the case of a citizen of the United Kingdom, another valid document proving identity and nationality (original for inspection);

Note: Failure to submit any of the above-mentioned documents will result in the applicant being summoned to complete the missing documents within a period of no less than 7 days from the date of service of the summons under pain of leaving the application unprocessed;

In proceedings in matters governed by the Act, a citizen of the United Kingdom, or a member of the family of a citizen of the United Kingdom, where it is not possible to produce a travel document or other document proving identity and nationality, may produce evidence other than an official document which will establish identity and nationality beyond reasonable doubt.

4. Other documents required:

**Applicants should demonstrate that they are the beneficiaries of a Withdrawal Agreement in Poland.**

**1) Citizens of the United Kingdom** should demonstrate that:

- **they have exercised their right to reside in Poland in accordance with Union law before the end of the transitional period (i.e. until 31.12.2020) and continue to reside in Poland thereafter** (Article 10(1)(b) of the Withdrawal Agreement), or
- **they have exercised the rights as frontier workers** in at least one Member State, including Poland, under Union law **before the end of the transitional period and continue to do so thereafter** (Article 10(1)(d) of the Withdrawal Agreement);

**2) Family members of the aforementioned citizens of the United Kingdom, who were resident in Poland before the end of the transitional period** should demonstrate that they were resident in the territory before the end of the transitional period (i.e. until 31.12.2020) in accordance with Union law and that they continue to reside in Poland (Article 10(1) (e) (i) and Article 10(1) (f) of the Withdrawal Agreement).

**Documents confirming that the applicant is a beneficiary of a Withdrawal Agreement in Poland:**

a) written declaration by the applicant (signed personally by him/her):

- about the continuation of their stay on the territory of Poland after 31 December 2020, i.e. periods of stay and absences exceeding 6 months per year up to the date of submission of the application;

b) any document/other proof of residence in Poland on 31 December 2020 or earlier in the event of an authorised absence on 31 December 2020. (e.g. confirmation of registration at an address, employment contract, housing lease agreement, electricity bill, internet service contract, telephone service contract, evidence of recent entry to Poland, etc.);

c) when applicable, documents proving that the interruption of the stay of more than 6 months per year for up to 12 consecutive months was due to important personal circumstances, in particular

pregnancy, childbirth, illness, studies, vocational training, secondment (applies to absences on or after 31 December 2020, prior to the submission of the application);

d) in the case of a stay of up to 3 months before 31 December 2020, proof of the date of last entry to Poland (also applies to persons who have previously stayed in Poland);

e) if point (d) does not apply, i.e. in the case of residence for more than 3 months before 31 December 2020, proof of fulfilment of the conditions of the right of residence for more than 3 months on 31 December 2020 (or earlier in the event of an authorised absence on 31 December 2020). It is also possible to provide evidence of fulfilment of the conditions of the retention of the right of residence or possession of the right of residence referred to in Article 19a of the Act on that date (see Chapter II, point 2.3(III), (IV), (VI), point 2.4(VI.1) of the information and below the list of documents which may confirm fulfilment of the conditions of the right of residence on the territory of Poland for a period exceeding 3 months);

**Documents confirming that the applicant continues to be a beneficiary of the Withdrawal Agreement in Poland:**

f) evidence of the fulfilment of the conditions of the right of residence for a period exceeding 3 months as at the date of registration of the residence, or issue of the requested residence card. It is also possible to provide evidence of the fulfilment of the conditions of the retention of the right of residence on that date or of the possession of the right of residence referred to in Article 19a of the Act (see Chapter II, point 2.3, sub-points III, IV, VI, point 2.4, sub-point VI.1 of the information and below the list of documents that can confirm the fulfilment of the conditions of the right of residence on the territory of Poland for a period exceeding 3 months).

**List of documents that can confirm the fulfilment of the conditions of the right of residence in the territory of Poland for a period exceeding 3 months:**

**Employees or self-employed persons:**

- an employment contract, a certificate of employment, a written declaration by the employer or entity authorised to entrust the work to the citizen of the United Kingdom of its intention to entrust the work thereto (applies to planned employment), a written declaration of entry in the National Court Register or an entry in the Central Electronic Register and Information on Economic Activity or other evidence that the citizen of the United Kingdom is self-employed in the territory of the Republic of Poland,

**Economically inactive people:**

- **proof of sufficient financial resources** to support oneself and family members so as not to become a burden on social assistance (financial resources in an amount exceeding the social assistance thresholds, i.e. exceeding PLN 776 net per month, and for a person in a family - in an amount exceeding PLN 600 net per month are considered as sufficient resources).

Evidence of having sufficient financial means to support oneself and family members so as not to be a burden on social assistance can be, in particular:

- 1) a credit card limit certificate issued by the bank that issued the credit card;
- 2) certificate confirming the possession of funds in a bank or a cooperative savings and loan association having its registered office in the territory of the Republic of Poland;
- 3) a document confirming the award of a national or foreign scholarship;
- 4) certificate of employment and earnings.

The certificates referred to in points 1, 2 and 4 should be issued no earlier than one month before the date of submission of the application.

- a document on health insurance, proving:

- coverage by public health insurance in Poland (e.g. confirmation from the National Health Fund, from the Social Insurance Institution), or
- entitlement to health care benefits under the provisions on the coordination of social security systems, or
- possession of private health insurance covering all expenses which may arise during a stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to pay the costs of health services provided to the insured person directly to the entity providing such services on the basis of a bill issued by that entity (insurance policy)

**Students or persons undergoing vocational training:**

- a certificate of enrolment or continuation of studies from the course provider or a certificate of enrolment in vocational training from the course provider,
- a written declaration of having sufficient financial resources to support oneself and family members so as not to be a burden on social assistance, or proof of their possession;
- a document on health insurance proving:
  - coverage by public health insurance in Poland (e.g. confirmation from the National Health Fund, from the Social Insurance Institution), or
  - the right to receive health care benefits under the provisions on the coordination of social security systems, or
  - having private health insurance to cover all expenses which may arise during a stay in the territory of the Republic of Poland in connection with the need for medical assistance or hospital treatment, in which the insurer undertakes to pay the costs of health services provided to the insured person directly to the entity providing such services on the basis of a bill issued by that entity (insurance policy)

**Spouses of Polish citizens:**

- document confirming conclusion of a marriage to a citizen of the Republic of Poland;

**Family members of citizens of the United Kingdom:**

- a certificate of registration of residence of a citizen of the United Kingdom or a document certifying the right of permanent residence, issued to a citizen of the United Kingdom with whom a family member resides in the territory of the Republic of Poland, and in addition:
  - a) spouse - document confirming conclusion of a marriage,
  - b) direct descendants - a document confirming the existence of family ties and a document proving age or certifying dependency on the citizen of the United Kingdom or his/her spouse,
  - c) direct ascendants - a document attesting to the existence of family ties and a document certifying dependency on the citizen of the United Kingdom or his or her spouse.
  - d) direct ascendants of a minor citizen of the United Kingdom - a document proving effective custody of the minor citizen of the United Kingdom and a document proving that the minor citizen of the United Kingdom is dependent on him/her.

The rights enjoyed by dependent family members of citizens of the United Kingdom before the end of the transitional period are preserved even if they cease to be dependants.

**3) Family members of citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland and, who were resident outside Poland before the end of the transitional period (Article 10(1)(e)(ii) of the Withdrawal Agreement):**

- a) written declaration by the applicant (signed personally by him/her) to the effect that he/she was residing outside the territory of Poland before 31 December 2020.
- b) proof of being a family member of a citizen of the United Kingdom, who is a beneficiary of the Withdrawal Agreement in Poland before 31 December 2020 and on the date of application for registration of residence or issuance of a residence card;
- c) evidence of the fulfilment of the conditions of the right of residence for a period exceeding 3 months as at the date of registration of the residence or issue of the residence card to which the application relates - see above List of documents which may prove the fulfilment of the conditions of the right of residence in the territory of Poland for a period exceeding 3 months.

**4) Children of citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland, born or adopted after the end of the transition period:**

- a) evidence that one of the following conditions is met:
  - both parents are citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland;
  - one of the parents is a citizen of the United Kingdom, who is a beneficiary of the Withdrawal Agreement in Poland and the other is a citizen of the Republic of Poland; or
  - one of the parents is a citizen of the United Kingdom, who is a beneficiary of the Withdrawal Agreement in Poland and has sole or joint custody of the child (in the case of children who reach the age of majority, this condition will apply for the period before they reach the age of majority)
- b) proof of not being over 21 years of age or being a dependent on a citizen of the United Kingdom or his/her spouse at the date of application for registration of residence or the issue of a residence card;
- c) evidence of the fulfilment of the conditions of the right of residence for a period exceeding 3 months as at the date of registration of the residence or issuance of the residence card to which the application relates - see above List of documents which may prove the fulfilment of the conditions of the right of residence for a period exceeding 3 months.

## **5) FRONTIER WORKERS**

In the case of citizens of the United Kingdom, who are frontier workers, the following documents must be submitted with the application for registration of residence to prove that the applicant is a frontier worker, as referred to in the Withdrawal Agreement, who is engaged in gainful activity pursuant to Article 45 or 49 TFEU on the territory of Poland, on whose territory he/she does not reside:

- a) a document confirming performance of work or other gainful activity in one's own name and on one's own account in the territory of the Republic of Poland immediately before 31 December 2020 without residing in that territory,
- b) a document confirming the continuation of work or other gainful activity in one's own name and on one's own account in the territory of the Republic of Poland after 31 December 2020 without residing in that territory,
- c) alternatively, a document confirming the retention of the status of an employee or a person pursuing other gainful activity in his own name and on his own account in the territory of the Republic of Poland (see point 2.3. VI (a) of the information).
- d) a document confirming residence outside the territory of Poland while working or carrying out other gainful activity in his/her own name and on his/her own account in that territory before and after 31 December 2020.

## 10.5 DOCUMENTS TO ACCOMPANY THE APPLICATION FOR A DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE OR FOR THE ISSUE OF A PERMANENT RESIDENCE CARD

Lists of documents to accompany applications can be found [here](#).

1. A completed application for a document certifying the right of permanent residence (for citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement) or an application for a permanent residence card (for a family member, who is not a citizen of the United Kingdom);
2. Four biometric photographs taken not more than 6 months before the date of application meeting the specified [requirements](#);
3. A copy of a valid travel document or, in the case of a citizen of the United Kingdom, another valid document proving identity and nationality (original for inspection);

Note: Failure to submit any of the above-mentioned documents will result in the applicant being summoned to complete the missing documents within a period of no less than 7 days from the date of service of the summons under pain of leaving the application unprocessed;

In proceedings in matters governed by the Act, a citizen of the United Kingdom, or a member of the family of a citizen of the United Kingdom, where it is not possible to produce a travel document or other document proving identity and nationality, may produce evidence other than an official document which will establish identity and nationality beyond reasonable doubt.

4. Other documents required:

### **Applicants should demonstrate that they are the beneficiaries of the Withdrawal Agreement in Poland:**

In the case of having the right of permanent residence on the territory of Poland on 31.12.2020, the acquisition of the right of permanent residence by that date and not leaving that territory after that date for more than 5 consecutive years must be demonstrated.

In the case of acquiring the right of permanent residence on the territory of Poland after 31.12.2020, it must be demonstrated that the applicant belongs to the category of persons, who are beneficiaries of the Withdrawal Agreement, referred to in the aforementioned point 10.4 sub-points 4.1) - 4) of the information and fulfilled the conditions set out in those sub-points as at 31.12.2020, or in the case of family members joining after that date - as at the date of joining the citizen of the United Kingdom. It must also be demonstrated that they have not left the territory of Poland after acquiring the right of permanent residence for a period exceeding 5 consecutive years.

**In addition, applicants should demonstrate 5 years (or a shorter period prescribed by law) of uninterrupted residence in the territory of the Republic of Poland, during which they have fulfilled the prerequisites for the right of residence for more than 3 months or have retained the right of residence or had the right of residence referred to in Article 19a of the Act (see information on the right of permanent residence in point 2.3(VIII) of the information):**

a) **documents confirming 5 years of uninterrupted stay** within the territory of the Republic of Poland and meeting the conditions of the right of residence for a period exceeding 3 months in individual periods of stay - see the List of documents which can confirm meeting the conditions of the right of residence for a period exceeding 3 months in point 10.4 of the information. It is also possible to provide evidence of retention of the right of residence during this period or of possession of the right of residence referred to in Article 19a of the Act, in situations referred to in point 2.3(VI) of the information.

b) **in the case of family members of UK citizens who are not UK citizens**, documents confirming 5 years of uninterrupted residence on the territory of the Republic of Poland with **a citizen of the United Kingdom** and meeting the conditions of the right of residence for a period exceeding 3 months during the respective periods of residence - see the List of documents which can confirm meeting the conditions of the right of residence on Polish territory for a period exceeding 3 months concerning family members of citizens of the United Kingdom in point 10.4 of the Information. It is also possible to provide evidence of retention of the right of residence or possession of that right of residence during that period, as referred to in section 19a of the Act, in the situations referred to in point 2.3(VI)(b) of the information regarding Art. 19(2) or (3) of the Act and point (c) of the Information.

**c) for spouses of Polish citizens:**

- document confirming conclusion of a marriage to a citizen of the Republic of Poland,  
- documents confirming 3 years of uninterrupted stay in the territory of the Republic of Poland and meeting the conditions of the right of residence for a period exceeding 3 months in individual periods of stay - see the List of documents which can confirm meeting the conditions of the right of residence in the territory of Poland for a period exceeding 3 months in point 10.4 of the information. It is also possible to provide evidence of retention of the right of residence during this period or of having this right of residence referred to in Article 19a of the Act, in situations referred to in point 2.3(VI) of the information).

d) **in the case of early acquisition of the right of permanent residence** (before the expiry of the 5-year residency period) in the cases provided for by the legislation, evidence that the required prerequisites have been fulfilled (see Section 2.3(VIII) on the prerequisites under Article 45 or Article 46 of the Act).

e) if necessary, documents proving that any interruption of the stay of more than 6 months in a year, up to 12 consecutive months, was due to important personal circumstances, in particular pregnancy, childbirth, illness, studies, vocational training, secondment.

**Uninterrupted stay** in the territory of the Republic of Poland:

Residence on the territory of the Republic of Poland shall be regarded as continuous where interruptions in that residence do not exceed a total of 6 months per year.

Residence on the territory of the Republic of Poland shall not be interrupted by leaving that territory for a period longer than specified above due to:

- 1) perform compulsory military service, or
- 2) an important personal situation, in particular pregnancy, childbirth, illness, studies, vocational training, secondment, which requires a stay outside this territory, provided that the period is no longer than 12 consecutive months.

## **10.6 SEPARATE TEMPLATE DOCUMENTS AND DOCUMENT ANNOTATIONS RELATING TO THE WITHDRAWAL AGREEMENT**

The certificate of registration of residence, the document certifying the right of permanent residence, the residence card and the permanent residence card issued to citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement in Poland, shall contain the annotations: "Article 50 TEU" and "Article 18(4) of the Withdrawal Agreement".

Frontier workers are issued with a certificate of registration of residence with the annotation “Article 50 TEU - Frontier worker”.

The certificate of registration of residence, the document certifying the right of permanent residence and the permanent residence card are valid for 10 years. The residence card is valid for 5 years.

### **10.7 RECEIPT OF DOCUMENTS**

A citizen of the United Kingdom shall collect the certificate of registration of residence or the document certifying the right of permanent residence in person upon presentation of a valid travel document or other valid document proving his/her identity and nationality.

A family member of a citizen of the United Kingdom shall collect the residence card or permanent residence card in person on presentation of a valid travel document.

If the document has been issued to a minor, who has not reached the age of 13 by the date of collection, or to a person who is completely incapacitated, the document shall be collected by the parent, legal guardian or curator, as appropriate, upon presentation of a valid document proving their identity.

Receipt of a document issued to a person who is either totally incapacitated or a minor, who has reached the age of six years by the date of application shall require the presence of that person.

Before the documents are collected, they are checked using an electronic reader to ensure that the personal data they contain is factually correct.

In cases where the requirement to appear in person at the time of application has been waived, collection of the document may be carried out by an attorney on the basis of a specific power of attorney to receive the document, upon presentation of a document proving his/her identity.

### **10.8 CANCELLATION OF THE DOCUMENT CERTIFYING THE RIGHT OF PERMANENT RESIDENCE OR PERMANENT RESIDENCE CARD IN THE EVENT OF ABSENCE OF MORE THAN 5 YEARS**

A document certifying the right of permanent residence or a permanent residence card issued to a citizen of the United Kingdom or a family member of a citizen of the United Kingdom may be cancelled, if the citizen of the United Kingdom or a family member of a citizen of the United Kingdom has left the territory of the Republic of Poland for a period exceeding 5 years.



## CHAPTER XI - REPLACEMENT OF DOCUMENTS AND ISSUE OF NEW DOCUMENTS TO CITIZENS OF THE UNITED KINGDOM AND MEMBERS OF THEIR FAMILIES, WHO ARE BENEFICIARIES OF THE WITHDRAWAL AGREEMENT AND OTHER ISSUES CONCERNING THE DOCUMENTS ISSUED TO THEM

### 11.1 REPLACEMENT OR ISSUING A NEW DOCUMENT

For replacement or issuance of a new certificate of residence registration, document certifying the right of permanent residence, residence card or permanent residence card, **bearing a reference to the Withdrawal Agreement**, issued to citizens of the United Kingdom or their family members, the provisions on the replacement or issuance of new documents for EU citizens and their family members apply in principle (see Chapter VI of the Information) subject to certain distinctions referred to in this chapter of the Information.

#### Replacement of documents

The certificate of registration of residence, the document certifying the right of permanent residence, the residence card and the permanent residence card, **containing an annotation referring to the Withdrawal Agreement**, are subject to compulsory replacement in the event of:

1. changes to the data contained therein;
2. damage;
3. loss of document;
4. the facial image of the holder being altered in relation to the facial image on the document to such an extent as to make it difficult or impossible to identify the holder.

#### Issuing a new document

In the event of the expiry of the certificate of residence registration, the document certifying the right of permanent residence, the residence card or the permanent residence card **containing an annotation referring to the Withdrawal Agreement**, new documents shall be issued.

**Note:** Due to the expiry on 31.12.2021 of the residence documents issued by the Polish authorities to citizens of the United Kingdom or their family members until 31.12.2020 on the basis of the rules on EU citizens and their family members, from 1.1.2022 it is no longer possible for the holders of such documents to obtain a residence document containing an annotation referring to the Withdrawal Agreement by applying for a new document.

**Currently, in order to obtain a residence document for the beneficiaries of the Withdrawal Agreement, citizens of the United Kingdom may apply to a voivode for either registration of residence (and issuance of a certificate of registration of residence) or issuance of a document certifying the right of permanent residence (as a rule, due to the 5-year period of residence in Poland), which documents will contain an annotation referring to the Withdrawal Agreement.**

**Family members of citizens of the United Kingdom, who are beneficiaries of the Withdrawal Agreement in Poland should apply for a residence card or permanent residence card (for a family member who is not a citizen of the United Kingdom), with an annotation referring to the Withdrawal Agreement.**

See general information in point 2.4(IV) of the Information and Chapter X thereof.

## 11.2 SEPARATE APPLICATION FORMS

The application forms for the replacement or issue of a new certificate of residence registration, document certifying the right of permanent residence, residence card or permanent residence card for citizens of the United Kingdom and their family members, who are beneficiaries of the Withdrawal Agreement, are **separate from those provided for EU citizens and their family members**.

To replace or issue a new document, an application must be submitted:

- on the application form for the replacement / issue of a new certificate of registering the residence, or
- on the application form for a replacement / issue of a new residence card, or
- on the application form for the replacement / issue of a new document certifying the permanent residence right, or
- on the application form for the replacement / issue of a new permanent residence card.

Application forms can be found [here](#).

## 11.3 PERSONAL APPEARANCE AT THE TIME OF APPLICATION

The requirement to appear in person at the time of application for the replacement or issue of a new certificate of residence registration, document certifying the right of permanent residence, residence card or permanent residence card does not apply to a minor citizen of the United Kingdom or family member of a citizen of the United Kingdom, who is under 6 years of age by the date of application.

Note: The requirement to appear in person may be waived in particularly justified cases, including due to the health of a citizen of the United Kingdom or a family member of a citizen of the United Kingdom.

## 11.4 FINGERPRINTS

The authority responsible for replacing or issuing a new residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card shall take fingerprints from the citizen of the United Kingdom or family member of the citizen of the United Kingdom, who applies therefor.

A fingerprint image shall not be included in the residence registration certificate, document certifying the right of permanent residence, residence card or permanent residence card if:

- 1) those are issued to a person from whom fingerprinting is physically impossible, or
- 2) personal appearance at the submission of the application is waived due to a particularly justified case, including the applicant's state of health.

## 11.5 RECEIPT OF NEW OR REPLACED DOCUMENT

For the reception of the new or replaced document, the provisions on the reception of the issued document shall apply (see paragraph 10.7 of the Information).

## 11.6 OBLIGATIONS RELATING TO THE LOSS, DAMAGE OR RECOVERY OF A LOST DOCUMENT OR TO FINDING ANOTHER PERSON'S DOCUMENT

The rules on documents for EU citizens and their family members apply (see Chapter VII of the Information). However, for citizens of the United Kingdom and their family members, there is **a separate form for reporting the loss or damage** of a residence registration certificate or residence card and a form

for reporting the loss or damage of a document certifying the right of permanent residence or permanent residence card.

Forms for reporting lost or damaged documents can be found [here](#).

#### **11.7 OBLIGATION TO RETURN DOCUMENTS, ANNULMENT OF DOCUMENTS, SEIZURE OF DOCUMENTS, ENTRY IN THE SCHENGEN INFORMATION SYSTEM (SIS) OF A LOST OR NOT RETURNED DOCUMENT FOR THE PURPOSE OF SEIZURE**

The rules on documents for EU citizens and their family members apply (see Chapters VIII and IX of the Information).

The Party **who is not satisfied with the decision** of the voivode on refusal to register the residence, to issue a document certifying the right of permanent residence, a residence card or a permanent residence card, with a decision on cancellation of the registration of residence, or a decision on cancellation of a document certifying the right of permanent residence, a residence card or a permanent residence card has the right to **appeal to the Head of the Office for Foreigners within 14 days from the date of delivery of the decision.**

**An appeal may be filed to the Head of the Office for Foreigners via the voivode who issued the decision.** The person submitting the appeal shall be obliged to submit **own signature.**

During the term to submit the appeal, the Party **may waive the right to file the appeal** towards public administration authority which issued the decision. As of delivery to the public administration authority the statement on waiver the right to file the appeal by the last of the Parties to the proceedings, the decision becomes final and binding. Final decisions are decisions, from which it is not possible to file an appeal in administrative course of instances or the application for reconsideration of the case. Revoking or amendment of such decisions, declare of their invalidity and resuming the proceedings may occur only in the cases stipulated in the Code of Administrative Proceedings or special Acts. Binding decision is a final decision which cannot be sued to the court.

The Party **who is not satisfied with the relevant ruling of the voivode on refusal to initiate the proceedings** has the right to submit **the compliant** within 7 days from the date of its delivery. **The complaint shall be filed to the Head of the Office for Foreigners via the voivode** who issued the decision. The person submitting the complaint is obliged to submit **own signature.**

Ways and instructions for suing issued decisions or provisions can also be found in instructions contained therein.

In the case of **leaving the application without consideration** the Party may file the reminder to the Head of the Office for Foreigners. Reminder is filed by the voivode who left the application without examination. It is a request so it should be signed by the submitting party and additionally should contain substantiation.

**General Issues shall apply to the appeal proceedings (see Chapter II points 2.5 – 2.11).**

### 12.1 FAILURE TO MEET THE DEADLINE

If the deadline for submitting **an appeal against a decision or a complaint against the refusal to initiate proceedings** is missed, the foreigner may, **within 7 days** from the date of cessation of the reason for missing the deadline, **apply with a request for the deadline to be restored.** The foreigner should **make it probable that the failure to meet the deadline occurred without his/her fault. Along with the request it is necessary to file the appeal or complaint.**

### 12.2 GETTING ACCESS TO THE CASE FILES

If a party or an attorney wishes to review the evidence gathered in the case, they should **submit a request for access to the files** to the Department of Legalisation of Residence of the Office for Foreigners directly at the Service Point of the Office for Foreigners at 33 Taborowa Street in Warsaw (**Monday from 8 a.m. to 6 p.m., Tuesday to Friday from 8 a.m. to 4 p.m.**), by means of a postal operator sending to the address: 33 Taborowa St., 02-699 Warsaw or electronically (e-Puap, e-delivery, e-mail [Sekretariat.dlp@udsc.gov.pl](mailto:Sekretariat.dlp@udsc.gov.pl)). **Applications are processed in the order of receipt.**

The date for reviewing the case file is arranged by telephone directly with the applicant. Currently, file reviews take place by appointment - on Fridays from 8 a.m. to 3 p.m. at the Foreigners Service Point of the Office for Foreigners at 33 Taborowa Street in Warsaw.

Information about the case can be obtained by telephone on weekdays between 9 a.m. and 4 p.m. on 47 72 176 75 and by e-mail [infolinia@udsc.gov.pl](mailto:infolinia@udsc.gov.pl).

### 12.3 METHODS OF SUBMISSION OF APPLICATIONS, DOCUMENTS, EXPLANATIONS, AND STATEMENTS

#### SUBMITTED DOCUMENTS SHOULD:

- be originals or copies officially certified for consistency with the original document. Presenting original document, the foreigner may confirm the copy of the document compliant with the original document in the Office for Foreigners: 33 Taborowa Street, 02-699 Warsaw, on Monday from 8 a.m. to 6 p.m., Tuesday to Friday from 8 a.m. to 4 p.m.
- translated to Polish language by Polish sworn translator.

#### Documents (applications, explanations, statements) may be also submitted:

- through the postal operator to the following address: 33 Taborowa Street, 02-699 Warsaw
- Directly in Document Office at the Office for Foreigners: 33 Taborowa Street, 02-699 Warsaw, on Monday from 8 a.m. to 6 p.m., Tuesday to Friday from 8 a.m. to 4 p.m.,
- In electronic form brought to the electronic delivery box of the Head of the Office referred to in art. 3, point 17 of the Act of February 17, 2005 on computerization of entities performing public tasks (Journal of Laws of 2024 item 307).

### 12.4 COMPLAINT

The Party may challenge the decision of the Head of the Office for Foreigners to the Voivode Administrative Court in Warsaw, within 30 days from the date of delivery of the decision. The Party shall file the complaint via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party applies directly to the Voivode Administrative Court in Warsaw.

The decision of the Head of the Office for Foreigners on reversing the voivode's decisions and transfer the case for re-examination may not be challenged with a complaint, it is only possible to file objection to the Voivode Administrative Court in Warsaw. The objection is to be filed within 14 days from the date of delivery of the decisions via the Head of the Office for Foreigners. This term shall be deemed to be met also if, prior to its expiration, the Party files the objection against the decision directly to the Voivode Administrative Court in Warsaw. The provisions on complaint shall apply accordingly to the objection against the decision, unless the Act states otherwise.



## Statement

**I have received the information in the ..... language...**

When applying for registration of residence of an EU citizen or issuing a residence card for a family member of an EU citizen, the following Chapters are handed in: I, II, III, IV, VI, VII, VIII, IX, XII

In case of an application for a document certifying the right of permanent residence of an EU citizen or for a permanent residence card for a family member of an EU citizen, Chapters I, II, V, VI, VII, VIII, IX, XII are handed in.

In case of an application for the registration of residence of a citizen of United Kingdom or the issue of a residence card for a member of his/her family, who are beneficiaries of the Agreement of the Withdrawal, Chapters I, II, III, IV, VI, VII, VIII, IX, X, XI, XII are handed in.

In case of an application for a document certifying the right of permanent residence of a citizen of the United Kingdom or a permanent residence card for a member of his/her family, who are beneficiaries of the Agreement of the Withdrawal, Chapters I, II, V, VI, VII, VIII, IX, X, XI, XII are handed in.

.....  
(place, date)

.....  
signature of the applicant  
or legal representative

.....  
possibly signature of the translator