**List of documents to be attached to the application for a new RESIDENCE CARD (for a family member of United Kingdom national who is the beneficiary of the Withdrawal Agreement, who is not a United Kingdom national):**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| 1. | Application form for a new residence card (link) completed in Polish and signed personally by the applicant \*  |  |
| 2. | Two biometric photos taken not earlier than 6 months before the date of application \*\* |  |
| 3. | 1 copy of all filled in pages of a valid travel document (the original is presented when submitting the application) |  |
| 4. | The following documents confirming that the applicant is a beneficiary of the Withdrawal Agreement:(documents drawn up in a foreign language are submitted together with their translation into Polish, prepared by a sworn translator; original documents or copies certified as being true copies by a notary or by a representative of the party who is a an attorney or legal advisor or by an authorized employee of the authority conducting the proceedings (voivode) to whom the original document was presented with a copy) |  |
|  | I. Family members of United Kingdom citizens who are beneficiaries of the Withdrawal Agreement in Poland, who resided in the territory of Poland in accordance with EU law before the end of the transition period and continue to reside there thereafter |  |
|  | a) | the applicant's written declaration (signed by hand) containing the following data and information:- name / names, surname, date of birth and citizenship as well as the current place of stay in the territory of the Republic of Poland of the citizen of the United Kingdom with whom the family member resides in this territory,- on the period of stay in the territory of Poland before December 31, 2020. (provide the date of the last entry and possible departure),- on the continuation of stay in the territory of Poland after December 31, 2020, i.e. about periods of stay and absences exceeding 6 months a year until the date of submission of the application |  |
|  | b) | any document / other proof of residence in Poland on December 31, 2020. or earlier in the event of an acceptable absence on December 31, 2020. (e.g. confirmation of registration at the address, employment contract, flat rental agreement, electricity bill, internet or telephone service contract, evidence of recent entry to Poland, etc.) |  |
|  | c) | when applicable documents confirming that absence exceeding 6 months a year, up to 12 consecutive months, was caused by an important personal situation, in particular pregnancy, childbirth, illness, studies, vocational training, secondment (applies to absence on 31 December 2020 or after the end of the transition period, before submitting the application) |  |
|  | II. Family members of United Kingdom citizens who (the family members) resided in Poland on the basis of the retained right of residence or had the right of residence in special cases provided for by law before the end of the transition period and who continue to reside in this territory after that period |  |
|  | a) | the statements and documents referred to in point I. a) -c) except for data relating to a UK citizen |  |
|  | b) | evidence confirming retention of the right of residence or possession of this right in special cases provided for by law before December 31, 2020 \*\*\* |  |

\* **Application** for a family member of UK citizen who is:

1) **a minor** – is submitted (i.e. signed) by parents or guardians appointed by the court or other authority or by one of the parents or one of the guardians appointed by the court or other authority;

2) a totally incapacitated person – is submitted (i.e. signed) by a guardian appointed by the court or other authority;

3) an unaccompanied minor –is submitted (i.e. signed) by a guardian.

Note: The field for the signature specimen in the application form should not be completed by a person who is under the age of 13 by the date of submitting the application or who, due to his / her disability, cannot provide with his/her own signature.

The application **is submitted in person** (i.e. it is required to appear in person when submitting the application or at the request of the authority) to the voivode competent for the place of residence of family member of the UK citizen.

The requirement to appear in person at the time of submission of the application does not apply to a minor family member of UK national who is under the age of 6 by the date of application.

In particularly justified cases, including due to the health condition of a family member of United Kingdom national, the requirement to appear in person may be waived.

In the latter case, the application should be accompanied by a written explanation justifying the need to waive the requirement to appear in person when submitting the application, together with evidence confirming the occurrence of a particularly justified case.

\*\* The **photographs** attached to the application meet the following requirements:

1) they are undamaged, in color and of good sharpness;

2) have the size of 35 mm x 45 mm;

3) were made not earlier than 6 months before the date of submitting the application;

4) show the face of a United Kingdom citizen or family member of a United Kingdom citizen from the top of the head to the top of the shoulders, so that the face covers 70-80% of the photograph;

5) show clearly the eyes of a United Kingdom citizen or family member of a United Kingdom citizen, and in particular the eye pupils, the eye line of a United Kingdom citizen or family member of a United Kingdom citizen should be parallel to the top edge of the photograph;

6) show a United Kingdom citizen or family member of a United Kingdom citizen against a plain light background, in a frontal position, looking straight ahead with eyes open, hair uncovered, with a natural facial expression and mouth closed, and the natural color of his/her skin.

If the application concerns a person with congenital or acquired vision defects, the photograph attached to the application may show that person wearing dark glasses. In the case of a person wearing a headgear in accordance with the rules of his/her religion, the photograph may show the person wearing the headgear. The headgear must not cover or distort the oval of the face.

\*\*\*

Provisions of the Act of 14 July 2006 on the entry into the territory of the Republic of Poland, residence and departure from this territory of citizens of the European Union Member States and their family members (Journal of Laws of 2019, item 293, as amended) regarding the retention of the right of residence or the right of residence in special situations, which also apply to family members of United Kingdom nationals:

Retention of the right of residence by a family member of an EU citizen (Article 19 (2) and (3)):

A family member who is not an EU citizen retains the right of residence in the event of:

1) death of an EU citizen meeting the conditions of stay for more than 3 months, if he/she stayed with him/her on the territory of the Republic of Poland for a period of at least one year before the death of the EU citizen;

2) divorce or annulment of marriage with an EU citizen residing in the territory of the Republic of Poland and meeting the conditions of stay exceeding 3 months, if:

a) the marriage lasted at least 3 years before the initiation of proceedings for divorce or annulment of marriage, including one year during the stay of the EU citizen in the territory of the Republic of Poland, or

b) as the former spouse of an EU citizen, he/she has custody of the Union citizen's children, on the basis of an agreement between the former spouses or a court ruling, or

c) it is justified by particularly important circumstances, including those related to the use of domestic violence during the marriage, or

d) as the former spouse of an EU citizen, he or she has the right to visit a minor child, on the basis of an agreement between the former spouses or a court ruling, if the agreement or ruling indicates that the visits take place in the territory of the Republic of Poland.

In the event of the death or departure of an EU citizen who meets the conditions of stay for more than 3 months from the territory of the Republic of Poland, a child of an EU citizen residing and learning or studying in this territory and the parent taking care of him/her, regardless of their citizenship, retain the right to stay until the child completes education or studies.

The right of residence of a learning child of an EU citizen and his/her parent (Article 19a):

A child of an EU citizen who was an employee on the territory of the Republic of Poland, but did not retain the right of residence under Art. 17, who is staying and learning or studying in this territory, has the right to stay until the end of education or studies.

A parent caring for a child of an EU citizen who was an employee on the territory of the Republic of Poland, but did not retain the right of residence under Art. 17, who is staying and learning or studying in this territory, has the right to stay until the child reaches the age of majority; this right also applies after the child reaches the age of majority, if he/she still requires the presence and care of that parent in order to continue and complete education.