**List of documents to be attached to the application for a PERMANENT 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):**

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| 1. | Application form for a permanent residence card completed in Polish and signed personally by the applicant \*  |  |
| 2. | Four 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 and confirming the acquisition of the right of permanent residence :(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) |  |
|  | a) | Documents confirming 5 years of uninterrupted stay (see Article 47 of the Act below) on the territory of the Republic of Poland with United Kingdom national and fulfillment of the conditions of the right of residence for a period exceeding 3 months in individual periods of stay - see the List of documents that may confirm the fulfillment of the conditions of the right to stay in Poland for the period of more than 3 months \*\*\*It is also possible to provide evidence of the retention of the right of residence or possession of this right in special cases provided for by law \*\*\*\* |  |
|  | b) | In the case of spouses of citizens of the Republic of Poland:- a document confirming conclusion of a marriage with a citizen of the Republic of Poland,- documents confirming 3 years of uninterrupted stay on the territory of the Republic of Poland and fulfillment of the conditions of the right of residence for a period exceeding 3 months in individual periods of stay - see the List of documents that may confirm the fulfillment of the conditions of the right to stay in Poland for the period of more than 3 months \*\*\*It is also possible to provide evidence of the retention of the right of residence or possession of this right in special cases provided for by law \*\*\*\* |  |
|  | c) | In the case of an earlier acquisition of the right of permanent residence (before the expiry of the 5-year stay) in the cases provided for by law - evidence confirming the fulfillment of the required conditions (see below Art. 46 of the Act) |  |
|  | d) | 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 |  |

The notion of a family member of a United Kingdom national who is the beneficiary of the Withdrawal Agreement includes:

- spouse,

- direct descendant of a United Kingdom national or his/her spouse, aged up to 21 or dependent on a United Kingdom national or his/her spouse,

- direct ascendant of the United Kingdom national or his/her spouse, who is dependent on the United Kingdom national or his/her spouse,

- direct ascendant of a minor United Kingdom national who has the actual custody of the child and on whom the child is dependent

\* **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 the UK citizen (in the case of retention of the right of residence or having this right in special cases or in the case referred to in Art. 46 sec. 2 of the Act - to the voivode competent for the place of residence of the family member).

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.

\*\*\* **List of documents that may confirm compliance with the conditions of the right to stay in the territory of Poland for a period exceeding 3 months**:

-Family members of United Kingdom nationals who are not citizens of the United Kingdom:

- a certificate of registration of stay of a United Kingdom citizen, or a document confirming the right of permanent residence, issued to a United Kingdom citizen with whom the family member resides in the territory of the Republic of Poland, and also:

a) spouse - a document confirming the conclusion of a marriage,

b) direct descendants - a document confirming the existence of family ties and a document confirming age or being dependent on a citizen of the United Kingdom or his / her spouse,

c) direct ascendants - a document confirming the existence of family ties and a document confirming being dependent on a citizen of the United Kingdom or his / her spouse.

d) direct ascendants of a minor UK citizen - a document confirming actual custody of a minor UK citizen and a document confirming that a minor UK citizen is dependent on him/her.

The rights of the family members who are dependants of United Kingdom nationals before the end of the transition period, shall be maintained even after they cease to be dependants.

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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.

Uninterrupted stay in the territory of the Republic of Poland

Article 47 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):

1. The residence within the territory of Republic of Poland is considered to be continuous if the intervals in the residence **have not exceeded in total 6 months in a year**.

2. The residence within the territory of Republic of Poland is not interrupted by absence longer than referred to in point (1) above for the purpose of:

(1) Compulsory military service or

(2) **Important personal situation, especially pregnancy, childbirth, illness, studies, vocational training, secondment, that requires the residence outside the territory of the Republic of Poland if the absence does not exceed 12 consecutive months.**

3. The residence within the territory of the Republic of Poland is interrupted by:

1) execution of the decision on expulsion of an EU citizen or a family member who is not an EU citizen;

2) serving a sentence of imprisonment by a family member who is not an EU citizen.

Earlier acquisition of the right of permanent residence

Art. 45

1.The right of permanent residence before the expiry of the 5-year period of stay in the territory of the Republic of Poland is acquired by:

1) an employee or a self-employed person who, upon termination of work or other gainful activity on their own behalf and their own account, has reached the retirement age specified in the Polish provisions on old-age pension insurance or who has finished working for the purpose of early retirement if before that moment they performed work or other gainful activity in their own name and on their own account in the territory of the Republic of Poland for a period of 12 months and stayed in this territory continuously for a period longer than 3 years;

2) an employee or a self-employed person who ceased to perform work or other gainful activity in their own name and on their own account in this territory due to permanent incapacity to work, if he/she has stayed in this territory continuously for more than 2 years;

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

2. Performing work or other gainful activity on one's own behalf and on one's own account in the territory of the Republic of Poland, referred to in sec. 1 point 1 or 2, covers also the performance of work or other gainful activity on one's own behalf and for one's own account in another Member State.

3. The provision of sec. 1 point 2 shall also apply to an employee or a self-employed person who, while maintaining the place of residence in the territory of the Republic of Poland, performed work or other gainful activity on their own behalf and for their own account in another Member State and ceased to perform work or activity due to permanent incapacity for work.

4. Requirements concerning the length of uninterrupted stay and performance of work or other gainful activity on one's own behalf and on own account, referred to in sec. 1 point 1, and the requirement concerning the length of uninterrupted stay, referred to in sec. 1 point 2 shall not apply to the spouse of a Polish citizen.

5. The requirement of the length of uninterrupted stay referred to in sec. 1, point 2, shall not apply when the cessation of work or other gainful activity in one's own name and on one's own account was due to permanent incapacity to work as a result of an accident at work or an occupational disease.

6. The periods of work or performance of other gainful activity on one's own behalf and on own account include the following periods:

1) unintentional unemployment as registered in the register of the unemployed kept by the poviat labor office;

2) breaks at work or in the performance of other gainful activity on their own behalf and for their own account, independent of the will of the person referred to in sec. 1;

3) failure to perform work or other gainful activity on one's own behalf and on one's own account as a result of temporary inability to work due to illness or accident.

Earlier acquisition of the right of permanent residence by a family member

Art. 46.

1. The right of permanent residence acquired by an employee or a self-employed person pursuant to Art. 45, is also acquired by a family member staying with him/ her on the territory of the Republic of Poland, regardless of their citizenship.

2. In the event of the death of an employee or a self-employed person during a period of performing work or other gainful activity on their own behalf and on their own account, prior to acquiring the right of permanent residence under Art. 45 a family member who stayed with them on the territory of the Republic of Poland on the day of their death acquires the right of permanent residence, regardless of their citizenship, if:

1) the employee or the self-employed person stayed in the territory of the Republic of Poland continuously for a period of 2 years until the day of death, or

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