**List of documents to be attached to the application for a DOCUMENT CERTIFYING THE PERMANENT RESIDENCE RIGHT (for UK national who is the beneficiary of the Withdrawal Agreement):**

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| 1. | Application form for a document certifying the permanent residence right 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 or other valid document confirming identity and citizenship (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 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. 45 or 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 |  |

\* **Application** for a 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.

The requirement to appear in person at the time of submission of the application does not apply to a minor 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 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**:

Workers or self-employed persons:

- an employment contract, a certificate of performance of work, a written declaration of the employer or an entity authorized to entrust a United Kingdom citizen with the performance of work on the intention to entrust him/her with the performance of work (for the planned performance of work), a written declaration on entry into the National Court Register or entry into the Central Register and Information on Economic Activity or any other proof that a citizen of the United Kingdom is a self-employed person in the territory of the Republic of Poland,

Economically inactive persons:

- proof of having sufficient financial resources to support oneself and family members, so as not to constitute a burden for social assistance (financial resources in the amount exceeding the thresholds of social assistance, i.e. exceeding PLN 701 net per month, and for a person in the family - in the amount exceeding PLN 528 net per month are considered as sufficient resources).

- a health insurance document confirming:

• covering with public health insurance in Poland (e.g. confirmation from the National Health Fund, or from the Social Insurance Institution), or

• the right to use healthcare services under the provisions on the coordination of social security systems (eg EHIC), or

• having private health insurance covering all expenses that may arise during the 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 cover the costs of healthcare services provided to the insured directly to the entity providing such benefits, on the basis of the invoice issued by this entity (insurance policy)

Students or persons undergoing vocational training:

- 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,

- a written declaration of having sufficient financial resources to support oneself and family members so as not to constitute a burden for social assistance, or a proof of their possession;

- a health insurance document confirming:

• covering with public health insurance in Poland (e.g. confirmation from the National Health Fund, or from the Social Insurance Institution), or

• the right to use healthcare services under the provisions on the coordination of social security systems (eg EHIC), or

• having private health insurance covering all expenses that may arise during the 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 cover the costs of healthcare services provided to the insured directly to the entity providing such benefits, on the basis of the invoice issued by this entity (insurance policy)

Spouses of Polish citizens:

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

Family members of United Kingdom nationals who have United Kingdom citizenship:

- 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.

Evidence of having sufficient financial resources to support oneself and family members, so as not to constitute a burden for social assistance, may include in particular:

1) a certificate of the limit on the credit card issued by the bank that issued the credit card;

2) a certificate confirming possession of funds in a bank or a cooperative savings and credit union established in the territory of the Republic of Poland;

3) a document confirming granting of a national or foreign scholarship;

4) certificate of employment and the amount of earnings.

The certificates referred to in points 1, 2 and 4 should be issued not earlier than one month before the date of submitting the application.

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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 citizens of the United Kingdom:

a) Right of residence after cessation of work or other gainful activity:

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

1) failure to perform work or other gainful activity on the person`s own behalf and own account as a result of temporary inability to work due to illness or accident or in connection with pregnancy and childbirth, or

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

3) undertaking vocational education or training.

If the period of work or other gainful activity 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 of the employee or self-employed person is retained by the EU citizen for the period of 6 months from the date of registration with the competent poviat labor office.

b) Retention of the right of residence by a family member of an EU citizen:

A family member who is an EU citizen retains the right of residence in the event of divorce, annulment of marriage, death or departure from the territory of the Republic of Poland of an EU citizen meeting the conditions of stay for more than 3 months (Article 19 (1))

c) 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.