



Residency procedures for current and future family members of UK nationals who reside in or outside Poland and intend to continue or to commence their stay in Poland after 31 December 2020

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Who are the procedures for?

The procedures apply to family members of UK national beneficiaries of the Withdrawal Agreement, who are third-country nationals, not EU citizens and are:

- spouses
- direct descendants 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 ascendants (e.g. parents/grandparents) of the United Kingdom national or his/her spouse, dependent on the United Kingdom national or his/her spouse
- direct ascendants (e.g. parents/grandparents) of a minor United Kingdom national who have the actual custody of the child and on whom the child is dependent

More information about family members under the Withdrawal Agreement on: <https://www.gov.uk/guidance/living-in-europe>

What do you need to do?

Depending on your situation, you are obliged to either obtain a residence card or exchange the one you currently have for a new one.

For all types of applications you should:

- File an application form in person at the appropriate voivodeship office (urząd wojewódzki) between 1 January 2021 and 31 December 2021 (in most offices scheduling an appointment is required)
- Submit your fingerprints,
- Complete the application form and supporting documents in Polish,
- Attach a sworn translation of any supporting documents that are in English.

For further details on what to provide with your application, please see the relevant section below.

Fees:

The fees for all procedures have been waived.

Types of procedures:

1. **Application for a residence card of a family member of a UK national** – this applies to you if you have not applied for a residence card of a family member of an EU citizen before 31 December and you are residing in Poland with a UK national for a period longer than 3 months and intend to continue your stay
2. **Application for a new residence card** – this applies to you if you are in possession of a residence card of a family member of an EU citizen
3. **Application for a permanent residence card of a family member of a UK national** – this applies to you if you have not applied for a permanent residence card of a family member of an EU citizen before 31 December 2020 and you have been residing in Poland with a UK national for 5 years or longer and intend to continue your stay
4. **Application for a new permanent residence card** – this applies to you if you are in possession of a permanent residence card of a family member of an EU citizen

How can I access the application forms and other necessary documents?

You can find the templates of the above-mentioned documents on the website of the Office for Foreigners, by following the tab 'Foreigners', then clicking on 'Brexit' and choosing 'Applications and lists of documents attached to applications' from the panel on the left.

The link to the appropriate webpage is:

<https://udsc.gov.pl/en/cudzoziemcy/brexit/lists-of-documents-attached-to-applications/>

1. Application for a residence card of a family member of a UK national

You are required to submit the following documents:

- The application form for a **residence card of a family member of a UK national** filled in Polish (along with 3 copies of the completed application form)
- 4 biometric photos – detailed information on requirements available below (*)
- 1 copy of all annotated pages of a valid travel document (including the biometric page and all pages with visas/stamps etc.)
- Documents confirming you are a family member of a UK national who is a beneficiary of the Withdrawal Agreement and resides in Poland in accordance with EU law before the end of the transition period
 - Declaration on the continuation of stay in the territory of Poland after 31 December 2020 confirming no periods of absence from the territory of Poland longer than 6 months in a year or justifying any longer absence up to 12 consecutive months together with applicable documents (the template of the declaration available under the link above)
 - Evidence of residence in Poland on 31 December 2020 or earlier in the event of an acceptable absence on that day (e.g. address registration, employment contract, rental agreement, electricity bill, internet or telephone service contract, evidence of recent entry to Poland, etc.)
 - Documents confirming that any absence on 31 December 2020 exceeding 6 months in a year, up to 12 consecutive months, was caused by an important personal situation, in particular pregnancy, childbirth, illness, studies, vocational training, secondment
 - For stays up to 3 months before 31 December 2020, proof of the date of the last entry into Poland together with a citizen of the United Kingdom or in order to join that citizen in Poland
 - In the case of a stay for a period exceeding 3 months before the 31 December 2020, proof of compliance

with the conditions of the right to stay for a period exceeding 3 months on 31 December 2020 until the end of the administrative procedure – detailed information available below (**)

- If family members of UK nationals who are beneficiaries of the Withdrawal Agreement resided outside of Poland before 31 December 2020:
 - Proof of being a family member of a UK national before 31 December 2020 until the end of the administrative procedure
 - A written declaration on residence outside the territory of Poland before 31 December 2020 (the template of the declaration is available under the link above)
- Children of UK nationals who are beneficiaries of the Withdrawal Agreement, born or adopted after the end of transition period:
 - Evidence that both parents are UK nationals who are beneficiaries of the Withdrawal Agreement residing in Poland OR evidence that one of the parents is a UK national who is a beneficiary of the Withdrawal Agreement and the other is a Polish citizen OR one of the parents is a UK national who is a beneficiary of the Withdrawal Agreement and has sole or joint rights of custody of the child

2. Application for a new residence card of a family member of a UK national

You are required to submit the following documents:

- The application form for a **new residence card of a family member of a UK national** completed in Polish (along with 3 copies of the completed application form)
- 2 biometric photos – detailed information on requirements available below (*)
- 1 copy of all annotated pages of a valid travel document (including the biometric page and all pages with visas/stamps etc.)
- Declaration containing the data of the UK national

with whom the family member resides in the territory of Poland and stay before 31 December 2020 and afterwards confirming no periods of absence from the territory of Poland of longer than 6 months in a year or justifying longer absence up to 12 consecutive months (the template of the declaration is available under the link above) together with applicable documents – detailed information available below (***)

- Any document / other proof of residence in Poland on 31 December 2020, or earlier in the event of an acceptable absence on that day (e.g. address registration, employment contract, rental agreement, electricity bill, internet or telephone service contract, evidence of recent entry to Poland, etc.)

3. Application for a permanent residence card of a family member of a UK national

You are required to submit the following documents:

- The application form for a **permanent residence card of a family member of a UK national** completed in Polish (along with 3 copies of the completed application form)
- 4 biometric photos – detailed information on requirements available below (*)
- 1 copy of all annotated pages of a valid travel document (including the biometric page and all pages with visas/ stamps etc.)
- Documents confirming 5 years (or 3 years in case of spouses of Polish citizens which needs to be evidenced by a marriage certificate) of uninterrupted stay and fulfillment of the conditions of the right to stay in Poland for more than 3 months during the declared (5 or 3 years) residence period – detailed information available below (**)
- Declaration of stay confirming no periods of absence from the territory of Poland longer than 6 months in a year or justifying longer absence up to 12 consecutive months together with applicable documents – detailed information available below (***)

4. Application for a new permanent residence card of a family member of a UK national

You are required to submit the following documents:

- The application form for a **new permanent residence card of a family member of a UK national** filled in Polish (along with 3 copies of the completed application form)
- 2 biometric photos – detailed information on requirements available below (*)
- 1 copy of all annotated pages of a valid travel document (including the biometric page and all pages with visas/ stamps etc.)
- Declaration of stay confirming that you have not left the territory of Poland for a period exceeding 5 years after acquiring the right to permanent residence and continuation of your stay in Poland after 31 December 2020 (the template of the declaration available under the link above)
- Any document/other evidence confirming only limited absence from the territory of Poland for the period exceeding 5 years after acquiring the right to permanent residence

(*) The photos attached to the application meet the following requirements:

- They are undamaged, in color and in good focus;
- Their size is 35 mm x 45 mm;
- They were taken not earlier than 6 months before the date of submitting the application;
- They show the face of the applicant from the top of the head to the top of the shoulders, so that the face covers 70-80% of the photograph;
- They show clearly the eyes of the applicant and in particular the pupils with the eye line of the applicant parallel to the top edge of the photograph;
- They show the applicant 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 is on behalf of 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 head covering in accordance with the rules of his/her religion, the photograph may show the person wearing the head covering. The head covering must not cover or distort the oval of the face.

(*) What are documents confirming the compliance with the conditions of the right to stay in Poland for a period exceeding 3 months?**

- a certificate of registration of stay of a UK national, or a document confirming the right of permanent residence, issued to a UK national with whom the family member resides in the territory of the Republic of Poland, and also:
 - spouse – a document evidencing marriage,
 - direct descendants - a document confirming the existence of family ties and a document confirming age or being dependent on a UK national or his / her spouse,
 - direct ascendants - a document confirming the existence of family ties and a document confirming being dependent on a UK national or his / her spouse.
 - direct ascendants of a minor UK national - a document confirming actual custody of a minor UK national and a document confirming that a minor UK national is dependent on him/her.

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

(*) When is absence longer than 6 months in a year justified?**

It is justified when it did not exceed 12 months and was caused by compulsory military service or an important personal situation, in particular pregnancy, childbirth, illness, studies, vocational training, secondment.

What to do when filing an application for a minor?

The presence of a minor is required above the age of 6. If a minor is below the age of 6 the application can be filed by his/hers legal representative without the minor being present.

ANY DOUBTS?

NEED HELP WITH RESIDENCY RELATED ISSUES?

CONTACT IOM FOR FREE ASSISTANCE:



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available from Monday to Friday,
9 am – 5 pm (GMT+1)

The above information has been prepared by IOM in cooperation with the Office for Foreigners and the British Embassy Warsaw in accordance with the Polish regulations in force as of March 31, 2021:

- Act of 14 July 2006 on the entry into the territory of the Republic of Poland, residence and departure from this territory of EU citizens and their family members,
- Regulation of the Minister of Interior and Administration of 29 December 2020 on applications and documents regarding the right of residence in the territory of the Republic of Poland of citizens of the United Kingdom of Great Britain and Northern Ireland and their family members.