



Pathways to citizenship for third-country nationals in the EU Member States

Common Template for EMN Study 2019

Final version: 5 August 2019

Subject: Pathways to citizenship for third-country nationals in the EU Member States

Action: EMN NCPs are invited to complete this template and submit their national report by 2 December 2019.

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1 STUDY AIMS AND RATIONALE

The European Convention on Nationality, signed in 1997, establishes principles and rules relating to the acquisition and loss of nationality and issue of multiple nationality. To date, 20 Member States have signed the Convention,¹ while 13 EU Member States have ratified it.² Although awarding citizenship is a prerogative of the Member States, national regulations have to be implemented with due regard to EU law. This is particularly important as the establishment of Union citizenship by the Maastricht Treaty in 1992 conferred a number of rights and privileges to all persons who are citizens of an EU Member State. Examining and comparing the different rules and regulations in place in Member States is relevant, as the right to free movement for Union citizens means that the decision of one country over who to accept or reject as citizens can impact all other Member States as well. The acquisition of citizenship has been a topic of debate in many Member States in recent years, with the need to integrate migrants.

This EMN study aims at mapping and comparing the various approaches of EU Member States regarding third-country nationals' acquisition of citizenship in a Member State. It will focus in particular on the ordinary naturalisation for new migrants³ to the EU and therefore largely excludes the acquisition of citizenship through special naturalisation⁴. Ordinary naturalisation is considered to be "any acquisition after birth of a citizenship not previously held by the person concerned that requires an application to public authorities and a decision by these."⁵ This study will include a review of the conditions and requirements for naturalisation (e.g. length of legal stay, definition of legal stay, knowledge of language, economic and housing situation) and the administrative processes used by the Member States to determine whether a person is eligible to acquire citizenship or not. The study will examine whether Member States' permit dual citizenships and, if so, under which conditions. The study will also aim to explore how the acquisition of citizenship links to integration policies in the Member States, and whether naturalisation is considered the end-point of an integration process or whether acquisition of citizenship is intended to facilitate integration.

1.1 TARGET GROUPS / AUDIENCES

This study targets policy-makers at EU level (e.g. in the area of integration and intra-EU free movement) as well as broader target groups at national level, such as national policy-makers (migration/integration), researchers, and experts at those national authorities that are responsible for citizenship-related administrative procedures. This study would also be of interest to the wider public because of its topicality and due to the growing number of individuals becoming citizens of a Member State of the EU or acquiring a second (dual) citizenship.

¹ AT, BG, CZ, DE, DK, EL, FI, FR, HR, HU, IT, LU, LV, MT, NL, PL, PT, RO, SK, SE

² AT, BG, CZ, DE, DK, FI, HU, LU, NL, PT, RO, SK, SE

³ For the purpose of this study, 'new migrants' refer to third-country nationals who do not have a pre-existing historical tie with the Member State (ethnic, family, historical).

⁴ *i.e.* acquisition of citizenship through automatic acquisition, by marriage, through investor scheme and for political and/or discretionary reasons are excluded from the scope of this study

⁵ R. Baubock and S. Wallace Goodman (2011), EUDO Citizenship Policy Brief n°2, Naturalisation, available at: http://eudo-citizenship.eu/docs/policy_brief_naturalisation.pdf

2 SCOPE OF THE STUDY

The study focuses on citizenship matters as defined in the EMN glossary or otherwise commonly used. It shall cover the acquisition, by a third-country national, of the citizenship of an EU Member State. The study covers the broad category of third-country nationals who immigrated to the EU as first generation ('new migrants') and thus excludes second- and third generation migrants. If it is difficult to make the distinction in your Member State, please mention this throughout the template wherever relevant. EU citizens acquiring the citizenship of another EU Member State are not covered. The acquisition of citizenship of an EU Member State by persons living in a third country is also outside of the scope of this study.

As far as policies and legislation regarding the acquisition of citizenship is concerned, this study shall reflect the most recent situation and developments in the Member States, therefore focusing on 2019. Regarding policy and legal developments, it also appears useful to trace any such developments over the past five years. If reasonable, contributing EMN NCPs may also include planned legal or policy developments that have not yet come into effect at the time of writing.

As regards statistics, the study shall cover a five-year period, from 2014 to 2018.

3 EU LEGAL AND POLICY CONTEXT

The integration of third-country nationals has become an important policy topic in many Member States, not least as a result of the large number of new migrants who arrived in the EU in 2014-2016 and received international protection. When, how and under which circumstances a third-country national can acquire the citizenship of an EU Member State is an essential dimension of integration processes. The acquisition of citizenship can be seen as the final step of an individual's successful integration process, as an incentive for individuals to become part of a new society or both. According to Eurostat, roughly 825 000 individuals became citizens of a Member State of the EU in 2017, most of them in Italy, the United Kingdom, Germany and France. As the EMN has not previously conducted a comparative study on the acquisition of citizenship, the proposed topic will fill a significant gap in the thematic activities of the network.

Awarding citizenship is a prerogative of the Member States, which they must exercise having due regard to EU law.⁶ Indeed, Member States solely are responsible for laying down the conditions for the acquisition of citizenship.⁷ However, citizens of a Member State also enjoy the rights of EU citizenship, including that of mobility and free movement across all Member States. As such, the determination of citizenship by one Member State implies a responsibility to all others. In this sense, citizenship has an important EU dimension. As pointed out by the Court of Justice of the EU, while laying down the conditions of acquisition and loss of citizenship falls within the remit of national competence, in doing so Member States must have due regard to EU law.

Three main modes of naturalisation exist:⁸

- ordinary naturalisation – residence-based naturalisation, which does not foresee any waivers of conditions normally envisaged for applicants;
- discretionary naturalisation on grounds of national interest – fully discretionary naturalisation, where authorities waive all or almost all naturalisation conditions;
- discretionary facilitated naturalisation on grounds of national interest – discretionary naturalisation, where authorities waive some but not all naturalisation conditions.

Furthermore, as noted by the European Commission, 24 additional types of acquisition of citizenship are found in the EU, including the facilitation of conditions for certain ethnic groups, on grounds of socialisation or family links.⁹ This hints at the complexity of the legal provisions surrounding the acquisition of citizenship.

The study will also seek to examine how the Member States support third-country nationals in applying for citizenship and inform them about their rights and duties as national and EU citizens.

The study also presents an opportunity for Member States to cooperate and share good practices on matters relating to citizenship and integration by comparing and analysing the various national rules and procedures used at national level.

⁶ See Judgment of 7 July 1992, *Micheletti and Others v Delegación del Gobierno en Cantabria*, C-369/90, EU:C:1992:295, paragraph 10; Judgment of 11 November 1999, *Belgian State v Mesbah*, C-179/98, EU:C:1999:549, paragraph 29; Judgment of 20 February 2001, *Kaur*, C-192/99, EU:C:2001:106, paragraph 19; Judgment of 19 October 2004, *Zhu and Chen*, C-200/02, EU:C:2004:639, paragraph 37; Judgment of 2 March 2010, *Rottmann*, C-135/08, EU:C:2010:104, paragraph 39

⁷ See [Case Tjebbes and others C-221/17](#), Judgment of the Court of 12 March 2019, and [Case Rottmann C-135/08](#), Judgment of the Court of 2 March 2010

⁸ European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en. This study focuses on ordinary naturalisation

⁹ European Commission (2019). Part A Study Investor Citizenship and Residence Schemes, Notes accompanying Deliverable A. Available at: https://ec.europa.eu/info/files/part-study-investor-citizenship-and-residence-schemes_en

4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

- Under what conditions can first generation migrants obtain the citizenship of the countries participating in this study? This includes, among other conditions/requirements, the length of legal stay in the country (with temporary/permanent residence status), the definition of legal stay or residence, knowledge of the language, economic situation, suitable housing, good conduct, or any legal or symbolic commitments to adhere to societal rules and norms.
- Are conditions different for different groups of third-country nationals, such as refugees or other groups significantly represented in the respective Member State (e.g. children, citizens of neighbouring third-countries, stateless people, investors)?
- Are there different procedures to acquiring citizenship (such as ordinary naturalisation by registration or by application)? How do these procedures work and how long do they take? To what extent are these procedures digitalised and applications submitted electronically?
- Is dual citizenship possible, and if so, under what conditions?
- What is the role of citizenship, including dual or multiple citizenships, in immigrant integration?

5 RELEVANT SOURCES AND LITERATURE

Comparable EU statistics on the acquisition of citizenship in the Member States are available at Eurostat. Additional statistical material should be available, in each country, at national level. It should be noted that although this study focuses on first-generation migrants, statistics extracted from Eurostat and provided by Member States will generally include all third-country nationals, including children/persons with a migrant family background ('second- and third-generation').

Many reports, analyses and comparisons regarding citizenship are available at the Global Citizenship Observatory [GLOBALCIT](#), the successor of EUDO CITIZENSHIP, which started in 2009 with a focus on citizenship laws in the EU Member States and then gradually expanded its scope. The [MACIMIDE Global Expatriate Dual Citizenship Dataset](#) charts the rules that existed in near all states of the world since 1960 with regard to the loss or renunciation of citizenship after a citizen of a respective state voluntarily acquires the citizenship of another state. The [Quality of Nationality Index](#) is relevant in that provides information on citizenship by investment.

Recent reports and EMN Ad-hoc queries are worth considering for this study, such as:

- European Commission, [Report on Investor Citizenship and Residence Schemes in the European Union](#), January 2019, accompanied by its Staff Working Document
- Milieu Study on "[Factual analysis of Member States Investors' Schemes granting citizenship or residence to third-country nationals investing in the said Member State](#)"
- European Parliament, [Briefing on Acquisition and loss of citizenship in EU Member States](#), July 2018
- 'Settling In' 2018, Indicators of Immigrant Integration, OECD
- EMN Ad-hoc query 2019.23 on investor schemes (golden passports)
- [Migrant integration policy index](#)¹⁰
- EMN Ad-hoc query 2015.709 on [Fees for Citizenship Application](#) (2015)
- EMN Ad-Hoc Query 2015.669 on [Exceptions to an obligation to be released from the old citizenship before acquiring a new one](#) (2015)
- EMN Ad-hoc query 2012.399 on [Citizenship Tests](#) (2012)
- EMN Ad-hoc query 2012.402 on [Dual Citizenship](#) (2012)
- OECD study on Naturalisation and the Labour Market - Integration of Immigrants¹¹
- Fundamental Rights Agency, [Second European Union Minorities and Discrimination Survey – main results](#), December 2017
- EMN Ad-hoc query 2015.719 on the [establishment of identity in connection with naturalisation](#) (2015)

To draft their contributions to this study, EMN NCPs should describe and analyse the respective national laws and policy documents regarding the acquisition of citizenship. Administrative handbooks as well as enquiry and research reports should also be used.

6 AVAILABLE STATISTICS

As far as comparable statistics are concerned, Eurostat provides the following data sets for each EU Member State:

- **Residents who acquired citizenship as a share of resident non-citizens by former citizenship and sex** – annual data [migr_acqs].
Note: This type of data can provide an indication of how easy or difficult it is in the various Member States to acquire the citizenship of the country of residence.

¹⁰ <http://www.mipex.eu/access-nationality>

¹¹ <https://www.oecd.org/els/mig/48328760.pdf>

- **Acquisition of citizenship by age group, sex and former citizenship** (all former EU and non-EU citizenships) – annual data [migr_acq]
Note: This dataset is the most important one regarding quantitative analyses of the acquisition of citizenship in the Member States.
- **Acquisition of citizenship by age group, sex and level of human development of former citizenship** – annual data [migr_acq1ctz]
Note: In this data set, former citizenships are grouped in accordance with position in human development index.
Note: These data are not available for all EU Member States.

7 DEFINITIONS

According to the European Convention on Nationality, "**nationality**" means the legal bond between a person and a State and does not indicate the person's ethnic origin.¹² A case of the Court of Justice of the EU further defined nationality as "the special relationship of solidarity and good faith between [a Member State] and its nationals and also the reciprocity of rights and duties, which form the bedrock of the bond of nationality".¹³

"**Multiple nationality**" means the simultaneous possession of two or more nationalities by the same person.¹⁴ For the purpose of this study, the term "dual citizenship" is used.

According to the EMN glossary,¹⁵ the term "**citizenship**" is defined as "the particular legal bond between an individual and their State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation."

It is noted that, as per the EMN Glossary, in some Member States, a distinction is made between citizenship and nationality, whereas in the EU context, no distinction is made, and the two terms are considered interchangeable. Those countries which distinguish between citizenship and nationality, the term citizenship refers specifically to the legal rights and duties of nationals.

"**Acquisition of citizenship**" refers to "Any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application".¹⁶

This study explores the acquisition of citizenship through naturalisation. "**Naturalisation**" means "any mode of acquisition after birth of a nationality not previously held by the target person that requires an application by this person or their legal agent as well as an act of granting nationality by a public authority".¹⁷ As per a recent report published by the European Parliament, a distinction is made 'between ordinary naturalisation – when the primary grounds of acquisition of citizenship is a certain period of residence in the country, and special naturalisation – when the acquisition of citizenship is based on other considerations, such as family links, ethno-cultural connections or special contributions'.¹⁸ The first definition will be used for the purpose of this study, meaning that the emphasis is on the third-country nationals acquiring citizenship on the basis of an application process following a minimum legal residing period.

Ius sanguinis refers to "the determination of a person's nationality on the basis of the nationality of their parents (or one parent or one particular parent) at the time of the target person's birth and at the time of acquisition of nationality by the target person (the two points in time are different in cases of acquisition after birth)".¹⁹

In contrast to this, **ius soli** refers to "the principle that the nationality of a person is determined on the basis of their country of birth".²⁰ The different categories of ius soli are defined as follows:²¹

- Unconditional ius soli: on the basis of birth. Citizenship is automatically grant citizenship to those born in the country, regardless of any other conditions;
- Conditional ius soli: on the basis of certain conditions, e.g. minimum period of residence in the country of the parents;
- Automatic double ius soli: on the basis of parental birth in the country. Children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country;

¹² Article 2(a), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

¹³ Judgment of 2 March 2010, Rottmann, C-135/08, available at: <http://curia.europa.eu/juris/liste.jsf?num=C-135/08>

¹⁴ Article 2(b), European Convention on Nationality, available at: <https://rm.coe.int/168007f2c8>

¹⁵ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁶ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁷ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

¹⁸ European Parliament (2018). Acquisition and loss of citizenship in EU Member States – Key trends and issues, available at: [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2018\)625116](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)625116)

¹⁹ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

²⁰ EMN Glossary 6.0, available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

²¹ <http://eudo-citizenship.eu/docs/ius-soli-policy-brief.pdf>

- Conditional double ius soli: on the basis of certain conditions and parental birth in the country. Children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.

8 ADVISORY GROUP

- SE EMN NCP (Chair)
- COM (DG Migration & Home Affairs)
- AT EMN NCP
- BE EMN NCP
- CY EMN NCP
- EE EMN NCP
- EL EMN NCP
- FI EMN NCP
- FR EMN NCP
- HU EMN NCP
- IE EMN NCP
- LT EMN NCP
- LU EMN NCP
- LV EMN NCP
- SI EMN NCP
- SK EMN NCP
- Odysseus network expert
- ICF (EMN Service Provider)
- Fundamental Rights Agency (FRA)

9 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
5 August	Launch
2 December	Submission of national reports by EMN NCPs
10 January	First synthesis report to COM
17 January	Deadline for comments
22 January	Circulation of the first SR to all NCPs
5 February	Deadline for comments
March 2020	Publication

10 Template for national contributions

The template provided below outlines the information that should be included in the national contributions of EMN NCPs to this Study. For national contributions, the total number of pages should not exceed **35-40 pages**, including questions and excluding the Statistical Annex. A limit of **25-30 pages** will also apply to the synthesis report, in order to ensure that it remains concise and accessible.

Common Template of EMN Study 2019

Pathways to citizenship for third-country nationals in EU Member States

National Contribution from **Member State**²²

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-7:

The sources of law determining the pathways to Polish citizenship for third-country nationals subject to this study include the Polish Citizenship Act of 2 April 2009 (the Polish Journal of Laws of 2009, item 1829) and the Constitution of the Republic of Poland of 2 April 1997 (the Polish Journal of Laws no 78, item 483). Issues concerning administrative proceedings are regulated by the Code of Administrative Procedure of 14 June 1960 (the Polish Journal of Laws of 2018, item 2096).

In accordance with Polish law, the third-country nationals (falling within the scope of this study) may acquire Polish citizenship by virtue of law or by granting Polish citizenship by the President of the Republic of Poland.

The basic way of acquiring Polish citizenship is to be born of parents with Polish citizenship irrespective of their place of birth. The principle "is sanguinis" stems from the provisions of the Constitution of the Republic of Poland as well as from the Citizenship Act.

Recognition as a Polish citizen is made by way of an administrative decision, taken at the request of a foreigner by a locally competent voivode. The voivode's decision is not discretionary. The voivode is obliged to issue such a decision, if the conditions enumerated in the Act are met and confirm the actual ties between the foreigner and Poland. A foreigner may be refused to be recognised as a citizen, apart from not meeting specific conditions, may only be a threat to defence or security or protection of safety and public order. The administrative decision is subject to judicial control, which is to be an additional guarantee of transparency.

A significant change introduced by the new Polish Citizenship Act of 2 April 2009 is the necessity for a foreigner to demonstrate a sufficient fluency in Polish or to have a certificate of graduation from a school in Poland or a school abroad with the Polish language of instruction.

An equally common way of acquiring Polish citizenship is the procedure of granting it by the President of the Republic of Poland. The granting is fully autonomous and discretionary right of the President, does not require a countersignature of the Prime Minister and is not subject to appeal to administrative courts because the provisions of the Code of Administrative Procedure and the Law on administrative court proceedings do not apply here.

The number of foreigners who were subject to the decision of the President of the Republic of Poland on granting Polish citizenship is as follows for the indicated years:

2018 – 1,973 persons

²² Replace highlighted text with your **Member State** name here.

2017 – 1,640 persons

2016 – 2,734 persons

Among the applicants, Ukrainians, Belarusians and Armenians represented the largest groups.

Section 1: Legal and policy overview

Q1. With reference to international law, is your Member State a party to the:

a) 1961 UN Convention on the Reduction of Statelessness?

- Yes.
 No. *Please explain why:*

If no, please explain why:

Pursuant to Article 137 of the Constitution of the Republic of Poland, the President may grant citizenship to any foreigner upon his/her request and is not limited within his constitutional competence by any conditions. The procedure for acquiring citizenship by granting does not provide for the possibility to appeal against the negative decision of the President or to appeal against it before the administrative court. The Convention, on the other hand, provides for the necessity of a remedy.

In Poland, the rights of stateless persons referred to in the Convention are regulated by the Act on Foreigners and the Polish Citizenship Act.

b) 1997 European Convention on Nationality?

- Yes.
 No. *Please explain why:*

If no, please explain why:

Poland has signed the Convention but has not ratified it due to the aforementioned possibility of granting citizenship by the President and lack of any remedies in this mode.

Q2. Which are the main legal instruments covering the acquisition of citizenship for third-country nationals in your Member State? For example, is the acquisition of citizenship laid out in the constitution?

Please explain in the form of a short, succinct narrative, starting from general principles to application rules. Please provide references to the main relevant laws and (name and date).

Please explain: The law on the Polish citizenship is governed by the Act of 2 April 2009 on the Polish citizenship (the Polish Journal of Laws of 2018, item 1829) which stipulates general rules and governs the manner and requirements for the acquisition and loss of the Polish citizenship, confirming its possession and loss, as well as the competent authorities in this respect.

The fundamental way to acquire the Polish citizenship by a foreigner is being granted with it by the President of the Republic of Poland (exclusive right resulting from Article 137 of the Constitution of the Republic of Poland). The President of the Republic of Poland is not limited within his constitutional competence by any conditions and may grant Polish citizenship to any foreigner upon his/her request.

Additionally, the Polish citizenship may be acquired under administrative procedure (based on an administrative decision issued by a competent authority, i.e. the voivode). The Polish citizenship may be granted based on recognition (recognition as a Polish citizen) to foreigners who meet the requirements stipulated in the Citizenship Act.

Q3. Have the laws and policies regarding third-country nationals' acquisition of citizenship in your country undergone any major changes in recent years which significantly changed the procedures or requirements of the acquisition of citizenship ²³? If yes, what have been the main drivers for the change? (e.g. EU /national case law, changes in other aspects of (national) migration law or policy etc.) *Kindly note that the response should refer to the target group of the study only.*

Yes.

Please elaborate:

No.

Q4. Have there been any major debates or national issues about third-country nationals holding or acquiring the citizenship of your Member State in recent years? If so, have these debates included the acquisition also of EU citizenship rights (such as right to vote, right to free movement including labour mobility, consular protection and right to protection, etc.)? Please specify in which framework these debates were held (e.g. policy-makers, media, general public).

Yes.

Please elaborate:

No.

Please elaborate:

The Polish law concerning the acquisition of citizenship by foreigners does not raise controversies.

Q5. From a legal perspective, is there a distinction between nationality and citizenship in your Member State? If so, what are the differences?

²³ In the framework of this study, the aim is to identify and assess potential changes that may have occurred in the past five years. Please limit your analysis to the 2014-2019 period. However, should important changes occurred in 2013, you can still mention those and explain the impact on the current rules in place.

Yes.

Please explain:

According to the definition provided in the Dictionary of the Polish Language, a nationality means an affiliation to a given nation, as well as: the sense of such an affiliation. In the Polish law, the notion of nationality is defined in Article 2(6) of the Act of 4 March 2010 on the National Population and Housing Census in 2011 (The Polish Journal of Laws, item 277). In the above-mentioned act, the nationality – national or ethnic affiliation – is understood as a declarative, based on a subjective impression, individual feature of every human being which expresses their emotional or cultural relationship, or a relationship connected with their parents' descent, with a certain nation or ethnic community.

Therefore, a subjective sense of affiliation to a given nationality is neither a fact, nor a legal status. Thereby, it does not satisfy the conditions of the definition proposed in the EMN document where nationality is described as a formal tie between a person and a state, with no connection to the ethnic origin. Also the terms "multiple nationality" and "dual citizenship" are not equivalent in the Polish language, and cannot be used interchangeably.

No.

Q6. Is the acquisition of citizenship in your Member State based on the *ius sanguinis* or the *ius soli* principle, on a mixture of these principles, or on other principles? Please check the appropriate box and explain.

ius sanguinis.

Please explain:

ius soli. Please explain:

Unconditional *ius soli*.

Please explain:

Conditional *ius soli*.²⁴

Please explain:

Automatic double *ius soli*.²⁵

²⁴ This means that certain conditions have to be fulfilled, e.g. minimum period of residence in the country of the parents.

²⁵ This means that children born in the country to foreign citizens can automatically acquire citizenship at birth if at least one of their parents was also born in the country

Please explain:

Conditional double *ius soli*.²⁶

Please explain:

Mixed *ius soli* and *sanguinis*.

Please explain:

According to the act, the fundamental principle for acquiring the Polish citizenship is the acquisition by birth, i.e. based on the right of blood ("*ius sanguinis*"). Additionally, the right of territory ("*ius soli*") remains still valid, which effectively prevents children born or found in Poland of becoming stateless, where their parents are unknown or where they do not possess any nationality.

Other.

Please explain:

Q7. In which modes can third-country nationals acquire the citizenship of your Member State? Please check all boxes that apply and briefly describe the main modalities). *Kindly note that the response should refer to the target group of the study only. This question links to Statistical Annex 1.2.*

By ordinary naturalisation.

Please explain:

1. granting by the President of the Republic of Poland – the President is not limited within his constitutional competence by any conditions and may grant Polish citizenship to any foreigner upon his/her request.
2. being recognised as a Polish citizen (administrative decision of the competent voivode).

²⁶ This means that children born in the country to foreign citizens can acquire citizenship at birth if at least one of their parents was also born in the country under certain conditions, e.g. minimum period of residence for parents.²⁷ Please note that statistics on the number of third-country nationals who have acquired the citizenship of your country each year between 2014-2018, differentiated by the grounds of acquiring citizenship are requested in the Statistical Annex.

By special naturalisation (e.g. based on considerations such as historical / ethno-cultural considerations, for political or other discretionary reasons, investment scheme). *Please explain, briefly outlining the different types of special naturalisation available in your Member State:*

Please explain:

repatriation – a simplified procedure for acquiring the Polish citizenship targets individuals of Polish origin living on the territory of the former USSR. Persons of Polish origin and their family members who before 1.01.2001 resided permanently on the territory that currently is part of: Republic of Armenia, Republic of Azerbaijan, Republic of Georgia, Republic of Kazakhstan, the Kyrgyz Republic, Republic of Tajikistan, Turkmenistan, Republic of Uzbekistan or the Asian part of the Russian Federation are eligible to apply to Poland for repatriation. The procedure is initiated by submitting an application for issuing a repatriation visa at a Polish consulate, which is subsequently forwarded to the Ministry of the Interior and Administration for approval. After meeting the statutory premises, the consul issues a national visa for repatriation to the interested party. Crossing the border based on this visa has the legal effect of acquiring the Polish citizenship.

By declaration/notification.

Please explain:

Other (e.g. reinstatement of former citizenship). *Please explain, briefly outlining any other modes of naturalisation not covered above:*

Please explain:

Reinstating the Polish citizenship targets persons who used to hold Polish citizenship in the past and lost it before 1 January 1999, based on the provisions of the Citizenship Act.

Q8. What is the most common / frequent way from those mentioned above for third-country nationals to acquire citizenship in your Member State?²⁷ *This question links to Statistical Annex 1.2.*

Please elaborate:

Most often, third-country nationals obtain the Polish citizenship through ordinary naturalisation, both by the administrative decision and by granting Polish citizenship by the President of the Republic of Poland.

Section 2: Conditions and requirements for the acquisition of citizenship after birth through ordinary naturalisation

²⁷ Please note that statistics on the number of third-country nationals who have acquired the citizenship of your country each year between 2014-2018, differentiated by the grounds of acquiring citizenship are requested in the Statistical Annex.

In cases where citizenship is not acquired at birth, what are the requirements and conditions that third-country nationals have to fulfil to obtain citizenship of your Member State? Please provide a brief overview of the conditions and requirements. Further details are to be provided in the subsequent questions.

Please explain:

A third-country national may acquire the citizenship if he or she:

1. has resided continuously on the territory of the Republic of Poland for at least 3 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right, with a stable and regular source of income in the Republic of Poland as well as a legal title to the residential premises;
2. has resided continuously on the territory of the Republic of Poland for at least 2 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right, and at the same time:
 - (a) has been married to a Polish citizen for at least 3 years, or
 - (b) has no citizenship;
3. has resided continuously on the territory of the Republic of Poland for at least 2 years, pursuant to a permanent residence permit obtained because of having a refugee status granted in the Republic of Poland;
4. has resided continuously and legally on the territory of the Republic of Poland for at least 10 years and fulfils jointly the following conditions:
 - (a) is a holder of a permanent residence permit, a long-term EU-resident permit or permanent residence right;
 - (b) has a stable and regular source of income in the Republic of Poland as well as a legal title to the residential premises;
5. has resided continuously on the territory of the Republic of Poland for at least a year, pursuant to a permanent residence permit obtained in relation to his/her Polish origin or having the Polish Card.

Please note that the questions below only refer to cases when the primary grounds of acquisition of citizenship is through ordinary naturalisation (i.e. the legal process whereby a third-country national who is legally present on the territory of a Member State may acquire citizenship of an EU Member State. A new migrant is described as a third country national who does not have a pre-existing historical tie with the Member State (ethnic, family, historical).’ The conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country are not covered.

Section 2.1 Eligibility

Period of residence

Q9. After how many years or months of (interrupted/continuous) residence in your country can a third-country national acquire the citizenship of your Member State?

Please explain:

A third-country national may acquire the citizenship if he or she:

1. has resided continuously on the territory of the Republic of Poland for at least 3 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right, and at the same time:
2. has resided continuously on the territory of the Republic of Poland for at least 2 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right, and at the same time:
 - (a) has been married to a Polish citizen for at least 3 years, or
 - (b) has no citizenship;
3. has resided continuously on the territory of the Republic of Poland for at least 2 years, pursuant to a permanent residence permit obtained because of having a refugee status granted in the Republic of Poland;
4. has resided continuously and legally on the territory of the Republic of Poland for at least 10 years and fulfils jointly the following conditions:
 - (a) is a holder of a permanent residence permit, a long-term EU-resident permit or permanent residence right;
 - (b) has a stable and regular source of income in the Republic of Poland as well as a legal title to the residential premises;
5. has resided continuously on the territory of the Republic of Poland for at least a year, pursuant to a permanent residence permit obtained in relation to his/her Polish origin or having the Polish Card.

Q9a: Is this period of residence based on legal residence (i.e. registration at the city hall or in a population registry) or is habitual residence (e.g. proved by house rental, school attendance, tax reports) in the Member State also counted?

Legal residence required.

Please elaborate:

foreigners residing continuously on the territory of the Republic of Poland on the basis of a permanent residence permit may apply for being recognised as a Polish citizen. The conditions for granting a permanent residence permit are specified in detail in the Act on Foreigners of 12 December 2013.

Presence in the country sufficient

No residence / presence in the Member State is required and citizenship is granted upon entry (e.g. investor schemes).

Please elaborate:

Other.

Please elaborate:

An application for granting Polish citizenship by the President of the Republic of Poland may be submitted by the foreigner who does not meet the residence criterion (e.g. who holds temporary residence permit or lives abroad).

Q9b: Is this period of residence based on effective residence (i.e. physical presence for a regular and extended period in the territory) or is holding a residence permit for the required timeframe sufficient?

Yes, physical presence necessary.

Please elaborate:

Being recognised as a Polish citizen – a statutory requirement is an uninterrupted stay, depending on the type of permit obtained.

No, holding a permit is sufficient.

Please elaborate:

Other:

Please elaborate:

In the case of granting the citizenship by the President of the Republic of Poland – there is no requirement of physical presence of a foreigner on the territory of the Republic of Poland.

Q9c: What proof (e.g. documentary evidence) is required to demonstrate that the minimum period of residence has been met?

Please elaborate:

Residence card, competent authority's decision to grant a residence permit on the territory of the Republic of Poland.

Q9d: Can the period of residence be interrupted? If yes, how long can this interruption last?

Yes.

Please elaborate:

Pursuant to the Act on Foreigners, a foreigner's stay on the territory of the Republic of Poland, which constitutes the basis for granting him/her a permanent residence permit is considered to be

continuous if none of the intervals have exceeded 6 months and the total length of these intervals has not exceeded 10 months during the period constituting the basis for granting the permanent residence permit, unless the interval was due to:

- 1) exercise of professional duties by the foreigner or work outside the territory of the Republic of Poland on the basis of an agreement with an employer whose head office is located on the territory of the Republic of Poland; or
- 2) accompanying a foreigner, referred to in point 1, by his/her spouse or minor child, or
- 3) special personal situation requiring the presence of the foreigner outside the territory of the Republic of Poland and lasting no longer than 6 months, or
- 4) travel outside the territory of the Republic of Poland in order to complete an internship or participate in courses planned during the studies at Polish university

No

Other:

Please elaborate:

Pre-existing legal residence status

Q10. What pre-existing legal residence status of the citizenship applicant is accepted?

Please also indicate for how long each of the given legal statuses has to be held in order for the third-country national to be able to acquire the citizenship of your country. For temporary permits, please indicate to what extent the number of years the third-country national possesses such a permit count towards being granted access to citizenship.

Permanent residence permit. *Number of years to get this permanent status and number of years necessary to hold it for citizenship acquisition:*

for at least 3 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right;

for at least 2 years, pursuant to a permanent residence permit, a long-term EU-resident permit or permanent residence right, and at the same time:

(a) has been married to a Polish citizen for at least 3 years, or

(b) has no citizenship;

for at least a year, pursuant to a permanent residence permit obtained in relation to his/her Polish origin or having the Polish Card.

Refugee status. *Number of years:*

2 years of stay pursuant to a permanent residence permit obtained on the basis of a refugee status.

Temporary residence permit. *Number of years:*

10 years, but the condition is to obtain a permanent residence permit before submitting the application for recognition as a Polish citizen.

Other protection statuses. *Number of years:*

Please elaborate:

Other status:

Granting the citizenship by the President of the Republic of Poland – there is no requirement of physical presence on the territory of the Republic of Poland.

Section 2.2 Conditions

Language

Q11. Is knowledge of the national language(s) required for all naturalisation grounds, and if so, what is the required level?²⁸

Yes.

Please state the required level:

At least B1 level command of the Polish language, a certificate of graduation from a school in the Republic of Poland or a school abroad where Polish was the language of instruction. In the case of an application for Polish citizenship granted by the President of the Republic of Poland, knowledge of the Polish language is not required.

No.

Q11a. If yes, how is this proven or evaluated? What evidence is required, and which authority is responsible for assessment (e.g. ministry officials, language experts, private language institutions contracted by state, etc.)?

Please explain:

certificate of proficiency in Polish language (official certificate, specified in the Act on the Polish Language of 7 October 1999),
a certificate of graduation from a school in the Republic of Poland; or
a certificate of graduation from a school abroad where Polish was the language of instruction.

Q11b. If your Member State uses a language test, has this test ever been evaluated, e.g. has the test led to better knowledge of the national language(s)?

Yes.

Please explain:

No.

Citizenship tests and commitments

Q12. Are citizenship applicants required to pass a citizenship or integration test for all naturalisation grounds? Please note that this could also include oral interviews.

Yes.

²⁸ Please indicate the level according to the Common European Framework of References for Languages -CEFR (A1-C2)

Please outline the main components of the test.

No.

Q12a. If yes, has the citizenship test ever been evaluated?

Yes.

Please explain:

No.

Q13. Is the applicant required to legally or symbolically commit to certain values or norms (such as human rights, democracy, quality and the rule of law) for all naturalisation grounds and if so, which ones?

Yes.

Please explain what these values are and what is expected from the applicant.

No.

Q14. Are applicants required to pledge formally allegiance to your Member State (e.g. oath of allegiance?) If yes, does this apply to all naturalisation grounds? Please explain the differences.

Yes.

Please explain:

No.

Please explain:

Polish law does not provide for an oath of allegiance to the state.

Good conduct

Q15. Is the third-country national expected to fulfil any requirements regarding good conduct (e.g. clean criminal record, fulfilment of civic requirements such as payment of taxes), public order, public health and if so, which ones?

Yes.

Please explain:

A foreigner shall be denied being recognised as a Polish citizen where the fact of them being granted Polish citizenship poses a threat to the national defence or security or to the protection of public safety and order.

No.

Q15a. If yes, what proof (e.g. documentary evidence) is required to demonstrate that the criteria for good conduct has been met?

Please elaborate:

Verification procedure against the foreigner applying for the Polish citizenship is conducted *ex officio*.

Before the decision on recognition as a Polish citizen is issued, the administrative authority is obliged to request information from the statutory authorities (Chief of the Voivodship Police headquarters, Director of the Internal Security Agency delegation and, if needed, also from other authorities) on whether the acquisition of Polish citizenship by the foreigner does not pose threat to national defence or security or the protection of public safety and order.

Under the procedure of granting the Polish citizenship, the verification procedure is conducted by the Polish Minister of the Interior and Administration.

Economic resources

Q16. Is the applicant's economic/financial situation or standard of living taken into account and if so, how (e.g. a minimum income level and assets)? Does this apply to all naturalisation grounds? Please explain the differences.

Yes.

Please explain:

A foreigner applying for recognition as a Polish citizen or granting the Polish citizenship by the President of the Republic of Poland is obliged to document his/her sources of livelihood (Citizenship Act does not specify the minimum income necessary to acquire Polish citizenship).

No.

Q16a. If yes, what proof (e.g. documentary evidence) is required to demonstrate that the minimum income level / assets have been met?

Please explain:

certificate of employment and wages, contract of employment, documents concerning business activity, tax declarations, etc.

Q17. Is the third-country national's housing situation taken into account?

Yes.

Please explain:

A foreigner applying for recognition as a Polish citizen must have an established place of residence. This requirement does not cover the cases of applying for the Polish citizenship being granted by the President of the Republic of Poland.

No.

Q17a: If yes, what proof (e.g. documentary evidence) is required to demonstrate that any housing requirements have been met?

Please explain:

Proof of purchase or lease agreement.

Others

Q18. Are there any other requirements not listed above?

Yes.

Please explain:

No.

Section 2.3 Security

Q19. Are there any specific exclusion criteria (e.g. threats to national security and public order)?

Yes.

Please explain:

A foreigner shall be denied being recognised as a Polish citizen, where the fact of them being granted the Polish citizenship poses a threat to national defence or security or to the protection of public safety and order.

No.

Section 2.4 Specific groups of third-country nationals

Q20. Are the above-mentioned requirements different for specific groups of third-country nationals, such as the groups listed below. For each group, please briefly explain the main differences that apply:

- a. Refugees
- b. Other beneficiaries of international protection statuses
- c. Specific categories of legal migrants
- d. Other groups that are significantly represented in your Member State, incl. stateless persons

Q20a. Refugees

Please explain:

recognising as a Polish citizen – foreigners with a refugee status must meet the requirement of a continued stay on the territory of the Republic of Poland for at least 2 years based on the permanent residence permit.

Q20b. Other beneficiaries of international protection statuses

Please explain:

Q20c. Specific categories of legal migrants e.g. people with disabilities or people in old age.

Please explain:

foreigners holding a permit for a tolerated stay – in accordance with the general principles.

Q20d. Other groups that are **significantly represented** in your Member State (e.g. stateless persons, minors, investors, citizens of neighbouring countries).

Please explain:

Persons of Polish origin: recognition as a Polish citizen – the requirement of continued stay on the territory of the Republic of Poland for at least 1 year based on the permanent residence permit obtained in connection with the Polish origin or the Polish Card.

Section 3: Procedural aspects for the acquisition of citizenship in the Member State

Please note that, consistent with Section 2, the questions below again only refer to cases when the primary grounds of acquisition of citizenship is through naturalisation based on a minimum period of residence in the country (i.e. 'ordinary naturalisation', not the conditions and requirements in place for second- or third-generation migrants and those migrants with special (e.g. ethnical or linguistic) ties to the country).

Q21. Please briefly describe the procedure in place for third-country nationals to obtain citizenship through ordinary naturalisation.

Please describe:

Recognising a foreigner as a Polish citizen occurs on their request, which the foreigner submits to the voivode competent in the place of residence of the individual/foreigner concerned. The procedure ends with an administrative decision issued by the voivode.

Foreign nationals living in Poland submit their applications for Polish citizenship granted by the President of the Republic of Poland through the voivode competent in the place of residence of the person concerned, while those living abroad – through the competent consul. The voivode and consul shall immediately forward the application to the President of the Republic of Poland through the minister competent for internal affairs (the minister is an opinion-giving body). The procedure ends with the decision of the President of the Republic of Poland.

Q21a. Are children automatically naturalised once their parents are granted citizenship?

Yes.

Please explain:

Granting the Polish citizenship to parents and recognising them as Polish citizens covers a minor remaining under their parental authority.

Granting the Polish citizenship to one of the parents or recognising him/her as a Polish citizen covers a minor remaining under their parental authority in the event that the other parent states his/her consent or the other parent does not have parental authority.

No.

Q22. What public authorities/agencies are involved in procedures for third-country nationals' acquisition of the citizenship of your Member State?

Please mention and describe their roles at each step of the process in order to identify the authorities by which the application is introduced and those taking the decisions.

Please explain:

1. Recognition as a Polish citizen: a voivode competent in the place of residence of a foreigner in Poland: accepts and application, conducts verification procedure and issues an administrative decision.
2. Granting the Polish citizenship by the President of the Republic of Poland:
 - (a) The voivode or consul, depending on the foreigner's place of residence (foreign nationals living in Poland submit their applications for Polish citizenship through the voivode competent in the place of residence of the person concerned, while those living abroad – through the competent consul) – shall accept the application and forward it to the minister competent for internal affairs.
 - (b) The minister competent for internal affairs – conducts the verification procedure, prepares an opinion and submits it to the President of the Republic of Poland.
 - (c) The President of the Republic of Poland – issues a decision.
3. Reinstating the Polish citizenship:
 - (a) the consul – accepts the application (persons residing in Poland may submit the application directly to the minister competent for internal affairs)
 - (b) the minister competent for internal affairs – conducts verification procedure, issues an administrative decision
4. Repatriation:
 - (a) the consul – accepts an application for a repatriation visa;
 - (b) the minister competent for internal affairs – conducts the verification procedure, gives its approval for issuing the decision on eligibility for a long term repatriation visa. Crossing the border based on this visa has the legal effect of acquiring the Polish citizenship.

Q23. Are these procedures digitised? Can applications for citizenship be made online?

Yes.

Please explain:

No.

Q24. What documentation is required in order to submit the application (e.g. passport, birth certificate) (in addition to the evidence reported to meet the conditions set out in Section 2)?

Please explain:

The application for granting Polish citizenship contains:

- 1) the foreigner's personal details;
- 2) address of residence;
- 3) information on the foreigner's parents and further ascendants, if they held Polish citizenship;
- 4) information on having held Polish citizenship in the past, having lost it and the date of acquiring the citizenship of another country;
- 5) information on the foreigner's sources of livelihood, their professional achievements, political and social activity;
- 6) information on the foreigner's command of the Polish language;
- 7) personal details of the foreigner's spouse;
- 8) information on the foreigner's previous applications for Polish citizenship, if any.

The application for being recognised as a Polish citizen includes the following attachments:

- 1) documents confirming the data and information presented in the application,
- 2) official certificate of at least B1 level command of the Polish language, a certificate of graduation from a school in the Republic of Poland or a school abroad where Polish was the language of instruction.

The application for being recognised as a Polish citizen includes:

- 1) the foreigner's personal details;
- 2) address of residence;
- 3) information on the foreigner's sources of livelihood in the Republic of Poland, their accommodation, professional achievements, political and social activity;
- 4) personal details of the foreigner's spouse;
- 5) information on foreigner's previous applications for Polish citizenship, if any, and whether they held Polish citizenship.

Q25. What is the legally prescribed maximum time period for the procedure, if applicable, and how long do procedures take in practice? If the different stages of the procedure have maximum time periods (e.g., registration, application, etc.) please differentiate. Are certain types of cases prioritised or fast-tracked, and if so, which ones?

Please explain:

These are 2 months in the case of the procedure for recognition as a Polish citizen (the procedure governed by the provisions of the Code of Administrative Procedure). The duration of the administrative procedure depends on the period of waiting for the answers from the authorities from which the voivode requests information, i.e. from the Voivodeship Police Chief in Białystok, Chief of the Border Guard Unit in Białystok, Director of the Internal Security Agency delegation in Białystok and National Criminal Record). The actual time of waiting for the voivode's decisions does not exceed several months. The Polish law does not provide for accelerated procedure in this case. As a general rule, applications shall be examined in the order in which they have been received.

In the case of granting the Polish citizenship by the President of the Republic of Poland (proceedings not covered by the provisions of the Code of Administrative Procedure), the provisions do not specify the deadline of the case. The actual waiting time for the decision now (September 2019) is up to 2 years. Since the President is not limited within his constitutional powers by any conditions, including also time limits, he may, at his discretion, grant citizenship also in a short period of time.

Q26. What are the costs for the application for citizenship (in €)? Please note that this excludes costs for the translation of documents, trainings for language proficiency, etc. Please specify whether different costs apply to different grounds.

Please explain:

1. Being recognised as a Polish citizen – ca. 40 EUR
2. Granting the Polish citizenship by the President of the Republic of Poland – free of charge in Poland, ca. 360 EUR abroad
3. Reinstating the Polish citizenship – ca. 40 EUR

Q27. Are there any other evidence requirements to be fulfilled for a final decision to be taken on the citizenship application (in addition to those set out above, e.g. language certificate)?

Please explain:

No.

Q28. To what extent is discretion an element of the procedure/decision-making process? Is there absolute discretion or conditional discretion?²⁹

Please explain:

In proceedings for recognition as a Polish citizen, no discretionary powers are applied (a foreigner who meets the requirements specified in Article 30 of the Polish Citizenship Act is considered a Polish citizen). Moreover, pursuant to Article 36(2) of the Citizenship Act, before issuing a decision, the voivode shall request information from the Voivodship Police Chief, Director of the Internal Security Agency delegation and, if needed, also from other authorities on whether the acquisition of Polish citizenship by the foreigner does not pose threat to national defence or security or the protection of public safety and order. If acquisition of the citizenship by the foreigner poses threat to national defence or security or the protection of public safety and order, a negative decision shall be issued obligatory.

Q29. What challenges if any have been experienced regarding the verification of the identity of naturalisation applicants?

Please explain stating how these were addressed and any good practices

Obligation to present a valid document proving identity and citizenship. In the absence of such documents, the application will not be examined due to formal flaws.

Q30. Is there a right of appeal or basis for legal challenge if citizenship is refused? If yes, do the authorities have to provide information about the grounds for refusal?

Yes.

²⁹ Absolute discretion means that the state may leave authorities absolute discretion to grant naturalisation to applicants, whether or not they meet the legal requirements. Conditional discretion means authorities only have limited grounds to reject applicants who meet the legal requirements.

Please explain:

The procedure for recognition as a Polish citizen and the procedure for reinstating the Polish citizenship is conducted pursuant to the provisions of the Code of Administrative Procedure. As administrative decisions, decisions taken in this area are subject to administrative as well as judicial and administrative control.

No.

Please explain:

Granting the Polish citizenship by the President of the Republic of Poland – this procedure is neither subject to the provisions of the Code of Administrative Procedure nor do any appellate measures or a complaint to the administrative court apply with respect to the decisions of the President of the Republic of Poland. Therefore, it is not possible to verify the decision of the President of Poland on legal grounds.

Q31. What are the most common grounds for a negative citizenship application decision? If possible, please list the top 5 reasons. Grounds could include insufficient language skills, insufficient period of residence, criminal record, unestablished identity.

Please explain, if possible listing the top 5 reasons:

Recognition as a Polish citizen – a foreigner shall be denied being recognised as a Polish citizen if he/she does not meet the mandatory requirements specified in the Act or where the fact of them being granted Polish citizenship poses a threat to national defence or security or to the protection of public safety and order.

Granting the Polish citizenship by the President of the Republic of Poland – this procedure is not subject to the provisions of the Code of Administrative Procedure, therefore there is no information about the reasons for denying to grant the Polish citizenship.

Q32. Does your Member State organise a citizenship ceremony? If yes, is participation in such a ceremony mandatory or voluntary?

Yes.

Please explain:

As a rule, acts of granting the Polish citizenship and decisions on recognition as a Polish citizen are announced solemnly, but it is not obligatory. The decision is left to the voivode.

No.

Support provided during the application process

Q33. Does your Member States provide information and/ or encourages third-country nationals to consider applying for citizenship?

Yes.

Please explain (incl. good practice example if available):

Public information on the methods of acquiring the Polish citizenship is published on the websites of the state institutions.

No.

Q34. Is governmental support provided to applicants during the application process?³⁰ Have any good practices been identified in your Member State?

Yes.

Please explain (incl. good practice example if available):

No.

Q35. Does your Member State organise, support or finance integration measures (classes, training, etc.) to facilitate the acquisition of citizenship? If yes, please specify whether these are prescribed by law.

Yes.

Please explain (incl. good practice example if available):

In the case of repatriation procedure, the consul may meet the costs of attending a course of the Polish language by the persons awaiting repatriation who have received the consul's decision to qualify for a repatriation visa (Article 18(1) of 9 November 2000 of the Repatriation Act). These courses are organised on behalf of the Ministry of National Education (Article 18(3) of the Repatriation Act).

No.

Section 4: Dual citizenship

Q36. Is the third-country national required to renounce his/her other citizenship in order to acquire or hold citizenship in your Member State? This question links to Statistical Annex 1.4. If your answer is 'no' (i.e. dual citizenship is possible), kindly provide national data on dual citizenship as requested.

Yes.

³⁰ For the purpose of this study, only support under the control of the state should be included here (e.g. websites, telephone hotline), i.e. support by NGOs or private service providers is excluded unless contracted by the state.

Please explain the reasoning and how this is enforced:

No.

Please explain the reasoning if possible:

In Poland, it is permissible to have dual citizenship, however, pursuant to the Citizenship Act (Article 3) – a Polish citizen who also has another citizenship has the same rights and obligations towards the Republic of Poland as a person with the Polish citizenship alone. A Polish citizen may not invoke, with legal effect, the fact of having the citizenship of another country and resulting rights and obligations towards Polish authorities.

Other.

Please explain:

Q37. Is the requirement to renounce dependent on the person's other citizenship and are there exemptions from this requirement, for example for third-country nationals from third countries that do not allow a renunciation of citizenship ?

If yes, please elaborate:

Q38. Are there any particular requirements that third-country nationals have to fulfil if they want to acquire or hold the citizenship of your Member State while keeping their other one(s)? If so, which requirements?

Yes.

Please explain:

No.

Q39. Are there any particular restrictions placed on third-country nationals who hold dual citizenship? Does dual citizenship confer fewer rights? (e.g. access to specific types of employment)

Yes.

Please explain:

Some professions (e.g. in military sector) are only permitted for people with the Polish citizenship.

No.

Q40. If your Member State allows dual /multiple citizenships, have there been any particular benefits or challenges that this policy has brought?

Yes.

Please explain.

No.

Section 5: Citizenship and integration

Q41. How does the integration policy of your Member State address the acquisition of citizenship? Is citizenship addressed in your national integration strategy/action plan?

Yes.

Please explain (e.g. is naturalisation considered the end point of an integration process or is the acquisition of citizenship intended to facilitate integration)?

Acquisition of the Polish citizenship is the final stage of integration.

No.

Q42. Is there any evidence, e.g., from research or evaluation, indicating that the acquisition of citizenship facilitates integration, in particular on the labour market?

No research has been conducted on this subject. Nevertheless, the Polish citizenship may be a prerequisite for access to certain professions (e.g. legal professions), the possibility to hold offices and positions (civil service, the Police, etc.).

Q43. What are the main differences and new rights and duties between being a citizen of your country compared to holding a permanent or long-term residence permit? Please elaborate on the following aspects:

Q43a: Participation in regional or national elections.

Please explain:

Election Code of 5 January 2011 (Journal of Laws of 2019, item 684) specifies in detail the provisions in this regard. They show, *inter alia*, that only Polish citizens have the right to vote (active voting right) in the elections to the Sejm and Senate, in the election of the President of the Republic of Poland, as well as in the elections to County Council and Voivodeship Council.

Q43b: Access to certain types of employment (jobs that are only open to citizens of your country).

Please explain:

As mentioned above, the legal professions and the civil service.

Q43c: Other differences / advantages, such as social and economic rights (social security, benefits, allowances, etc.)?

Please explain:

No major differences.

Q44. What support is given once citizenship has been granted to support the new citizen in their role as a citizen (e.g. information sessions organised at a local level, other information material)? Are there good practices in place in your Member State?

The state does not take any special actions after granting the Polish citizenship, aimed at supporting the new citizen in their role as a citizen.

Q45. With the acquisition of national citizenship there is also the acquisition of EU citizenship which confers rights such as the freedom to move or reside within the territory of the EU or the right to vote for and stand as a candidate in the European Parliament and municipal elections. What information or other support measures (if any) are given in your country to allow new citizens to enact their role as EU citizens (e.g. signposting to information material on the rights and responsibilities of EU citizens or specific, tailored information)? Is this different / additional to information provided to all citizens on their rights and responsibilities as EU citizens?

Please explain:
No data available.

Q46. Are there any indications (e.g. in reports, studies or statistics) that acquisition of citizenship facilitates mobility to other Member States and/or mobility or longer-term migration to non-EU countries?

Yes.

Please explain:

No.

Section 6: Conclusions and lessons learned

Please comment on the findings of your national report by drawing conclusions, identifying any key challenges and lessons learned, as well as outlining any planned policy developments in the upcoming years:

Please explain:

The Polish law contains strictly regulated rules governing the acquisition of the Polish citizenship by third-country nationals. The unique nature of the citizenship granting procedure, which falls within the exclusive competence of the President of the Republic of Poland, allows foreigners to apply for the citizenship if they are unable to meet certain conditions necessary to obtain citizenship through administrative procedure. As the data presented in this report show, such a possibility is often used by third-country nationals, mainly from the former Soviet Union countries. This happens despite the relatively long, on average 2-year waiting time for a decision.

Nevertheless, due to the lack of possibility to appeal and challenge the decision of the President before the administrative courts, this procedure is questionable, e.g. in the context of ratification of the Citizenship Act by Poland.

At present, no changes in the law governing the issues of acquiring the Polish citizenship by third-country nationals are envisaged.

Annex 1 National statistics

Please fill in the attached excel sheet with the respective statistics for your Member State. Due to the limitations of Eurostat data and national data, statistics provided in this annex shall include all third-country nationals.

N.B. All Eurostat data will be extracted centrally by the EMN Service Provider. National data will be provided to the extent possible by each EMN NCP. In their national reports, NCPs should briefly describe and comment on the data.

The Statistical Annex consists of the following:

Annex 1.1: Number of third-country nationals that have acquired the citizenship of your Member State in 2018, differentiated by the 10 main former citizenships of the persons concerned and by sex and age groups. *N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr_acq).*

Annex 1.2: Number third-country nationals that have acquired citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible.

Annex 1.3: Share of third-country nationals who acquired the citizenship of your Member State among all resident non-citizens in 2018. *N.B. Data for 2014-2017 will be extracted centrally from Eurostat (migr_acqs).*

Annex 1.4: Number of third-country nationals that have acquired dual citizenship between 2014-2018, differentiated by the mode of acquiring citizenship and disaggregated by sex, if possible. *N.B. This annex 1.4 is optional for those Member States which collect such data.*