

Ministry of the Interior and Administration

<https://archiwum.mswia.gov.pl/en/document/repatriation-as-a-form/27,Repatriation-as-a-form-of-acquiring-Polish-citizenship.html>

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The collapse of communism resulted in waves of Central and Eastern European countries nationals returning to their homelands . In Poland, this problem is particularly complex owing to changes in the borders and repeated deportations of Poles in the past.

- The Repatriation Act dated 9 November 2000, which became effective on 1 January 2001, enabled many Poles to return to their homeland who due to deportation or other persecution on grounds of nationality and political opinion had not been able to settle down in Poland. The Parliament decided to limit the territories from which persons are repatriated to Poland to the Asian part of the former USSR, namely to the Republics of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Asian areas of the Russian Federation. The Act provides for the possibility of the extension of repatriation to other countries or other parts of the Russian Federation if their inhabitants of Polish origin are discriminated against on grounds of religion, nationality or political opinion.
- Within the meaning of the Act, a repatriate shall be any person of Polish origin who has arrived in the Republic of Poland based on the repatriation visa with the intention of permanent settlement. Upon the entry to the Republic of Poland, the repatriate, based on the repatriation visa, shall acquire the Polish citizenship by virtue of the law. Therefore, only persons that do not have Polish citizenship can be repatriated.

Repatriation is one of the methods for acquiring Polish citizenship by virtue of the law. Under the Polish Citizenship Act of 15 February 1962, which has been repeatedly amended , the Polish citizenship shall be acquired by virtue of the law by:

- a child of parents of whom at least one is a Polish citizen,
- a child born or found in Poland whose parents are unknown, their citizenship is not specified, or if they are stateless persons.

Hence, repatriation is a special, privileged way of acquiring Polish citizenship by aliens of Polish origin. This can be justified by the common belief to the effect that repatriation can be instituted with respect to the persons who themselves or whose ancestors have been taken away from their homeland against their will and who have remained their homelands "children".

- The following persons are not eligible for the repatriation visa:
 1. persons who have lost Polish citizenship acquired through the repatriation procedure pursuant to the binding act, or
 2. persons who have been repatriated from the territory of the Republic of Poland based on repatriation treaties entered into in 1944-1957 to a country being a party to these treaties, or
 3. persons who during their stay outside the territory of the Republic of Poland have acted to the detriment of basic interests of the Republic of Poland, or
 4. persons who have violated human rights.

In order to apply for the repatriation visa, a person of Polish origin must file the application for granting such a visa with the Polish diplomatic agency with jurisdiction over his residence. The following documents should be attached to the application:

- documents evidencing the Polish origin,
- other documents confirming facts specified in the application for granting the visa.

The persons of a nationality or origin other than Polish who wish to resettle as members of the repatriate's family, file an application for granting a permit for temporary residence in the Republic of Poland. In order to arrive in Poland along with the repatriate, these persons are granted visas from the consul for the resettlement purposes.

Both the repatriation and resettlement visas entitling their holders to single entry to the Republic of Poland are valid for 12 months.

Under the Act, the documents evidencing Polish origin can be documents issued by the Polish state or church authorities and the authorities of the former Soviet Union pertaining to the applicant or his parents, grandparents or great-grandparents, such as:

- Polish identity cards,
- marriage/birth/death certificates, their certified copies or baptismal certificates evidencing the relationship with Poland,
- documents evidencing military service in the Polish Army, including the entry on Polish nationality,
- documents evidencing deportation or imprisonment, including the entry on Polish nationality.

During the interview with a repatriation candidates, the consul determines whether the representation made on Polish origin is true, verifies the documents attached to the application and issues or refuses to issue the decision in recognition of the applicant as a person of Polish origin. In the event that a negative decision has been issued, the applicant has the right to appeal against such decision to the Head of the Office for Repatriation and Aliens.

The decision issued by the consul in recognition of the person of Polish origin along with the application for the repatriation visa is submitted to the Office for Repatriation and Aliens for the approval to granting the repatriation visa. The Head of the Office may refuse to grant the visa in view of the security of the Polish state or public order. After the approval has been obtained, the repatriation visa may be granted.

Minors under parental care of the repatriate may also acquire Polish citizenship through repatriation. In the event that only one parent is a repatriate, the minor shall acquire Polish citizenship provided that the other parent agrees thereto by way of a representation made before the consul. A minor who turned 16 shall acquire Polish citizenship provided that they consent thereto.

The repatriation visa is granted to a person who presents the consul with evidence confirming that they have or are capable of ensuring conditions for settlement, that is, an apartment and a source of income in Poland. Such evidence can be, for example, a resolution passed by the commune council with the obligation ensuring settlement conditions for at least 12 months, an invitation, drafted in the form of a notarial deed, from a legal person (for example, an enterprise or association) or a natural person (a family) that guarantees the repatriate residence following his return to Poland. Under the act, the invitation from a natural person may refer to ascendants, descendants or siblings of the person in question.

Regarding the persons who do not have any accommodation or source of income in the Republic of Poland but satisfy the other conditions for obtaining a repatriation visa, the consul may issue a decision promising the issuance of the repatriation visa. To enable persons to return to Poland, the Office for Repatriation and Aliens has developed and maintained a register of apartments and sources of income offered to repatriates (the database called "Rodak"). In the first place such offers will be made available to the persons who have been deported and persecuted on the grounds of national origin or political opinion and whose age and bad condition justify prompt repatriation to Poland.

Apart from the above, an exceptional method for acquiring Polish citizenship is the institution introduced by the act consisting in the recognition as a repatriate which is applicable to aliens of Polish origin who had previously resided in the Asian part of the former USSR and who upon the day on which the Act became effective had already resided in Poland either as Polish scholarship holders or as persons holding a permanent residence card. An authority competent for issuing decisions on the recognition as a repatriate is the voivode. The person recognised as a repatriate shall acquire Polish citizenship on the day on which the respective decision has become final.

Repatriation statistics in 1997-2000

The increasing difference between living conditions in Poland and in the Eastern countries where Polish minorities reside results in the growing number of applications for repatriation filed with Polish diplomatic agencies annually.

In 1997 - 267 persons arrived

In 1998 - 399 persons arrived

In 1999 - 362 persons arrived

In 2000 - 944 persons arrived

In total, between 1997 and 2000, 1972 persons were repatriated to Poland.

The above figures include both repatriates who have arrived in Poland based on the repatriation visa and their family members of the nationality other than Polish who are granted permits for temporary residence in Poland. The Ministry of Interior and Administration estimates that those persons constitute approximately 10% of all returnees.

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