

# **The Repatriation Act of 9 November 2000 (OJL of 5 December 2000)<sup>1</sup>**

Recognising that the duty of the Polish State is to allow the repatriation of Poles who had remained in the East and in particular in the Asian part of the former Union of Soviet Socialist Republics and due to deportations, exile and other ethnically-motivated forms of persecution could not settle in Poland the following is hereby decreed:

## Chapter 1

### General provisions

Art. 1.1. The Act defines the rules of acquiring Polish citizenship by way of repatriation, the right of the repatriate as well as the rules and procedure of granting aid to repatriates and members of their families.2. A repatriate is a person of Polish extraction who arrived in the Republic of Poland on the basis of a repatriation visa and with the intention of taking up permanent residence.

Art. 2 Whenever the regulations of the act mention:1) a consul - this shall mean a consul in the meaning of the act of 13 February 1984 on the functions of the consuls of the Republic of Poland (OJL No 9, item 34 of 1997, No 114, item 739, of 1998 No 117, item 757 and of 1999 No 52, item 532);2) the immediate family of the repatriate - this shall mean the repatriate's spouse and a minor remaining in loco parentis of at least one of the spouses.

Art. 3.1. Unless otherwise provided for in the act and subject to paragraph 2 regulations of the Administrative Procedure Code shall apply to the procedure in matters regulated by the act.2. Regulations concerning the functions of the consuls of the Republic of Poland shall apply to matters belonging to the competence of consuls regulated in this act.

## Chapter 2

Acquisition of Polish citizenship by way of repatriation and the rules of granting temporary leaves to remain in the territory of the Republic of Poland to members of the repatriate's immediate family

Art. 4. A person arriving in the Republic of Poland on the basis of a repatriation visa shall acquire Polish citizenship by virtue of the law as of the day of crossing the border of the Republic of Poland.

---

<sup>1</sup> Source: [http://www.mswia.gov.pl/cudzo\\_rep\\_eng2\\_ust.html](http://www.mswia.gov.pl/cudzo_rep_eng2_ust.html)

Art. 5.1. A person of Polish extraction in the meaning of this act shall be a person declaring Polish nationality and meeting jointly the following conditions: 1) at least one of person's parents or grandparents or two great grandparents were of Polish nationality, 2) that person is able to demonstrate links with Polish provenance, in particular by cultivating Polish language, traditions and customs. 2. A person who in the past had already held Polish citizenship or whose at least one parent or grandparent or two great grandparents held Polish citizenship and who meets the condition specified in paragraph 1 point 2 shall also be deemed a person of Polish extraction. 3. The condition stipulated in paragraph 1 point 1 shall be deemed met if at least one parent or grandparent or two great grandparents of the applicant confirmed their belonging to the Polish Nation by, in particular, cultivating Polish traditions and customs. 4. A decision in matters specified in paragraph 1 shall be issued by a consul.

Art. 6.1. Documents issued by Polish State or church authorities as well as by the authorities of the former Union of Soviet Socialist Republics concerning the applicant or the applicant's parents, grandparents or great grandparents may be used as proof of Polish extraction. Such documents include in particular: 1) Polish identity documents, 2) certificates of personal status or their official copies or baptism certificates confirming links with Polish provenance, 3) documents confirming the completion of military service in the Polish Armed Forces containing an entry informing of Polish nationality, 4) documents confirming the fact of deportation or imprisonment containing an entry informing of Polish nationality, 5) identity documents or other official documents containing an entry informing of Polish nationality. 2. Other documents may also be used as proof of Polish extraction and in particular: 1) rehabilitation documents of the deportee containing an entry informing of Polish nationality, 2) documents confirming persecution due to Polish extraction.

Art. 7.1. A minor remaining in loco parentis of the repatriate also acquire Polish nationality by way of repatriation. However, if only one of the parents is a repatriate the minor acquired Polish nationality only with the consent of the other parent expressed in a statement made before a consul. 2. A minor remaining under guardianship acquires Polish nationality by way of repatriation if the repatriation is done with the consent of the guardian expressed in a statement made before a consul. 3. Acquisition of Polish nationality by a minor over 16 years of age on the basis of paragraph 1 shall require the minor's consent.

Art. 8. A repatriation visa may not be issued to a person who: 1) lost Polish nationality acquired by way of repatriation on the basis of this act, or 2) repatriated from the territory of the Republic of Poland or the Polish People's Republic on the basis of repatriation agreements concluded in the years 1944 - 1957 by the Republic of Poland or the Polish People's Republic with the Belarussian Socialist Soviet Republic, Ukrainian Socialist Soviet Republic, Lithuanian Socialist Soviet Republic and the Union of Soviet Socialist Republics to one of the states being a party to these agreements, or 3) during stay outside the Republic of Poland acted against the vital interests of the Republic of Poland, or 4) participated or participates in human rights violations.

Art. 9.1. A repatriation visa may be issued to a person of Polish extraction who prior to the coming into force of the act resided permanently in the territory of the present Republic of Armenia, Republic of Azerbaijan, Republic of Georgia, Republic of

Kazakhstan, Republic of Kyrgystan, Republic of Tadjikistan, Republic of Turkmenistan, Republic of Uzbekistan, or the Asian part of the Russian Federation.2. A repatriation visa may also be issued to a child of the person mentioned in paragraph 1.

Art. 10. The Council of Ministers may define by way of regulation states or parts of the Russian Federation other than those listed in art. 9 whose citizens of Polish extraction may apply for a repatriation visa and particularly those where persons of Polish extraction are discriminated against on the grounds of religion, nationality or politics.

Art. 11. 1. A person who does not have lodgings and is not provided for in the Republic of Poland but meets the remaining conditions necessary for obtaining a repatriation visa may be issued a consul's decision on the promise of the issuance of a repatriation visa.2. The minister competent for matters of foreign affairs may quash the decision mentioned in paragraph 1 within ten years of its issuance if: 1) the person of Polish extraction was during that period sentenced in a Polish court of law for the commission of a wilful offence to at least one year of imprisonment, or 2) the person of Polish extraction was during that period sentenced in a court of law outside the Republic of Poland for an offence being a felony in the meaning of Polish law to at least one year of imprisonment, or 3) the evidence on which the facts pertinent to the case had been established proved to be false, or 4) the decision was issued as a result of an offence, 5) new facts or evidence existing on the day of the issuance of the decision and unknown to the decision-issuing organ come to light.3. The minister competent for foreign affairs shall quash the decision promising the issuance of a repatriation visa not later than 10 years after its issuance if grounds for pronouncing the invalidity of that decision provided for in the Administrative Procedure Code are discovered.

Art. 12.1 A consul issues a repatriation visa upon the presentation of proof confirming that the applicant has lodgings and sources of maintenance in the Republic of Poland hereinafter referred to as the "settlement conditions".2. A proof of such settlement conditions shall be: 1) a resolution of the commune council containing an obligation to provide settlement conditions for a period of not less than 12 months, 2) subject to paragraph 5, a statement of a Polish citizen, a legal person or an organisational unit without the status of a legal person with seat in Poland executed in the form of a notarial act and containing an obligation to provide settlement conditions for a period of not less than 12 month.3. The resolution and the statement mentioned in paragraph 2 should contain in particular the indication of the lodgings, the form of making these lodgings available and sources of income.4. A proof of income shall not be required from persons who are entitled to a disability or old age pension in the meaning of the pension regulation in force in the Republic of Poland.5. The statement of a natural person mentioned in paragraph 2 point 2 containing an obligation to provide the settlement conditions may pertain only to the ascendants, descendants or siblings of that person.

Art. 13. In matters pertaining to the issuance of a repatriation visa not regulated by the act regulations of the act of 25 June 1997 on foreigners shall apply (OJL No 114, item 739 and of 1998 No 106, item 668 and No 162, item 1126).

Art. 14.1. The minister competent for matters of foreign affairs in agreement with the minister competent for matters of internal affairs shall issue a regulation defining the detailed procedure in cases of declaring Polish extraction and in cases of the issuance of a repatriation visa as well as a pattern of a repatriation visa application and the documents required for its issuance.2. The application mentioned in paragraph 1 should include the details of the applicant's spouse if the spouse is a person of Polish extraction and the details of a minor in loco parentis of the applicant if they intend to settle together with the applicant in the territory of the Republic of Poland.

Art. 15.1. If the applicant's spouse is not of Polish extraction and intends to settle together with the applicant in the territory of the Republic of Poland the application mentioned in paragraph 1 should be accompanied by the application of that spouse for the granting of a temporary leave to remain in Poland.2. Subject to paragraph 4 the spouse of the applicant who is not of Polish extraction shall be issued a temporary leave to remain in the territory of the Republic of Poland on terms identical to those applying to the spouse of a Polish citizen and provided for in the act on foreigners.3. In the event of absence of the consent mentioned in art. 7 provisions of paragraph 1 and 2 respectively shall apply to the minor remaining in loco parentis of the repatriate or of the repatriate's spouse.4. The decision regarding the issuance of the leave mentioned in paragraph 2 shall be made by the President of the Office for Repatriation and Foreigners.

## Chapter 3

### Granting of the repatriate status

Art. 16.1. Also a person meeting all of the following conditions may be granted repatriate status:1) that person is of Polish extraction,2) prior to the coming into force of the act that person resided permanently in the territory mentioned in art. 9,3) circumstances mentioned in art. 8 do not apply to that person,4) that person remains in the territory of the Republic of Poland on the basis of a temporary leave to remain granted on the grounds of that person being a recipient of a Polish scholarship studying at a tertiary education establishment pursuant to the regulations regarding studies of persons who are not Polish citizens,5) that person has submitted an application to the voivodship governor within 12 months from graduation.2. The voivodship governor shall be competent to issue a repatriation decision regarding the person mentioned in paragraph 1.3. The person mentioned in paragraph 1 shall acquire Polish citizenship on the day the repatriation decision becomes final.4. The decision to grant the person mentioned in paragraph 1 the repatriate status means that the period of employment abroad of that person shall be taken into account in establishing that person's disability and old age pension rights.5. The minister competent for matters of internal affairs shall issue a regulation defining in detail the procedure in cases mentioned in paragraph 1 and in art. 41 paragraph 1 and 2 as well as the pattern of the repatriate status application and the required documents.

## Chapter 4

### Forms and procedure of granting aid to repatriates

Art. 17.1. Repatriates and members of their immediate family living with them in a joint household arriving in the Republic of Poland shall be given the following one-off aid financed from the State budget: 1) reimbursement of the second class railway fare from the station closest to the repatriate's place of residence abroad to the place of settlement in Poland and the equivalent of the price of one second class railway ticket to cover the cost of transporting the property of the repatriate, 2) a settlement and maintenance grant amounting to twice the average monthly pay published by the President of the Central Statistical Office in the Official Gazette of the Republic of Poland (Monitor Polski), hereinafter referred to as the average monthly pay, in the quarter preceding the day of granting this aid per each family member, 3) reimbursement of the costs of education in Poland of minors who are subject to compulsory education in the meaning of art. 15 paragraph 2 of the act of 7 September 1991 on the education system (OJL of 1996, No 67, item 329 and No 106, item 496, of 1997 No 28, item 153 and No 141, item 934, of 1998 No 117, item 759 and No 162, item 1126 and of 2000 No 12, item 136, No 19, item 239, No 48, item 550 and No 104, item 1104) in the amount of one month average pay per child. 2. Repatriates arriving in the Republic of Poland from the Asian parts of the former Union of Soviet Socialist Republics who have borne costs associated with repairs or adaptation of a dwelling in the place of settlement in the territory of the Republic of Poland shall be entitled to partial reimbursement of these costs. 3. Repatriates arriving in the Republic of Poland from areas other than those specified in paragraph 2 may be reimbursed part of the costs of repairing or adapting a dwelling in the place of settlement in the territory of the Republic of Poland provided their material situation is particularly difficult. 4. The aid mentioned in paragraphs 2 and 2 consists in the reimbursement of documented and justified costs. The amount of that aid may not exceed the product of 200 percent of the average monthly pay and the number of members of the immediate family of the repatriate remaining in a joint household. 5. The granting of the aid mentioned in paragraph 1 and the determination of its amount shall be the subject of a decision of the President of the Office for Repatriation and Foreigners. 6. The granting of the aid mentioned in paragraph 2 and the determination of its amount shall be the subject of a decision of the starost performing State administration tasks. 7. The granting of the aid mentioned in paragraph 3 and the determination of its amount as well as the refusal to grant this aid shall be the subject of a decision of the starost performing State administration tasks. 8. The starost shall make the payment of the aid's amount under paragraph 1, 2 and 3. 9. A consul may grant and pay the amount of the aid mentioned in paragraph 1 point 1 to a holder of a repatriation visa who does not have sufficient means to cover the cost of travel to the Republic of Poland. 10. In matters mentioned in paragraphs 6 and 7 the higher instance organ in the meaning of the Administrative Procedure Code shall be the voivodship governor.

Art. 18.1. A consul may meet the costs of attending a course of the Polish language by a person issued a promise of a repatriation visa if the circumstances of stay in the territory mentioned in art. 9 prevented that person from learning the Polish language. 2. Repatriates and members of their immediate families arriving with them in the Republic of Poland may be granted aid in the form of free Polish language courses and courses adapting these persons to life in Polish society. 3. The minister competent in matters of education and the minister competent in matters of higher education organise or commission the organisation of the courses mentioned in paragraph 1 and 2 at a civic organisation with considerable achievements in providing assistance to repatriates. 4. The Council of Ministers shall issue a regulation defining

the types of language and adaptation courses and the method of their organisation taking into consideration in particular the degree of proficiency in the Polish language and the age of the course participants, the possibilities of providing free-of-charge board and lodgings and transport costs reimbursement for participants mentioned in paragraph 1 and 2 and the need to prepare children for attending school.

Art. 19.1. The aid mentioned in art. 17 paragraph 1 should be paid within 60 days from the day on which the repatriate acquired Polish citizenship.2. The aid mentioned in art. 17 paragraph 1 and the reimbursement of the costs mentioned in art. 22 may be granted within 24 months from the day on which the repatriate acquired Polish citizenship.

Art. 20. The decision making organs of local government shall determine the forms, amounts and procedures of granting aid to repatriates and members of their immediate families.

## Chapter 5

### Forms and procedures of granting aids to communes

Art. 21.1. The commune that provides repatriates and members of their immediate families with dwellings shall be granted a target subsidy from the State budget pursuant to an agreement concluded with the competent voivodship governor. This target subsidy equals the product of 45 m<sup>2</sup> of the useable area of the dwelling and the price of 1 m<sup>2</sup> of the useable area of a residential building set by the President of the Office for Housing and Urban Development on the basis of regulations on State aid in the repayment of certain housing credits and the refunding of the guarantee bonuses paid out by banks.2. The subsidy shall be granted to those communes that have not designated specific repatriates to be allocated a dwelling out of the housing stock and have undertakes to conclude a rent agreement for that dwelling for an unspecified time.3. The commune submits an application for the aforesaid subsidy to the competent voivodship governor.4. The agreement mentioned in paragraph 1 should define:1) a detailed description of the housing aid provided to repatriates and members of their immediate families,2) the target subsidy to which the commune providing housing is entitled and the method of its payment,3) the audit procedure regarding the activities undertaken by the commune,4) the settlement method of the target subsidy and the rules of repayment of an unused subsidy or a subsidy used incorrectly in part or in full.

Art. 22.1. A commune may provide a repatriate with financial assistance meeting the costs of repair or adaptation of a dwelling at the place of settlement in the territory of the Republic of Poland.2. The assistance mentioned in paragraph 1 may not exceed the amount equivalent of the product of 200% of the average monthly pay and the number of members of the immediate family of the repatriate.3. The task of the commune described in paragraph 1 is a government administration task.

## Chapter 6

### Vocational activation of repatriates

Art. 23.1. In order to provide the repatriate with a source of income and occupation the commune may refund the employer part of the costs of:1) remuneration, bonuses and social insurance contributions,2) work station equipment,3) vocational training of the repatriate.2. The vocational activation mentioned in paragraph 1 is carried out pursuant to an agreement concluded between the commune board and the employer.3. The vocational activation mentioned in paragraph 1 may be carried out within a period not exceeding 5 years from the day of the acquisition by the repatriate of Polish citizenship. At least one of the forms of this activation should be realised in the first year after the acquisition of Polish citizenship.

Art. 24. The commune board may reimburse the cost of remuneration, bonuses and social insurance contributions borne by the employer provided the repatriate is employed full time for at least 48 months.

Art. 25. The commune board may reimburse the cost of equipping the work station of the repatriate borne by the employer provided the repatriate is employed full time for at least 48 months.

Art. 26.1. If the repatriate has no qualifications whatsoever or if there is no demand in the local labour market for the repatriate's qualifications the employer may re-train the repatriate in order to improve or change the qualifications.2. The employer shall be reimbursed the cost of training not exceeding three months' average pay provided the re-trained repatriate is employed by the employer for at least 24 months.

Art. 27. One or more forms of vocational activation mentioned in art. 23 paragraph 1 may be applied, however, the total amount of expenditures in this virtue may not exceed twenty times the average monthly pay.

Art. 28. 1 The forms of vocational activation mentioned in art. 23 paragraph 1 shall be financed in the form of a target subsidy from funds allocated for this purpose from voivodship budgets.2. The funds mentioned in paragraph 1 come from the "Aid to repatriates" target reserve of the State budget.3. Communes organising vocational activation of repatriates may apply for funds for this purpose to the competent voivodship governor.4. The tasks of communes pertaining to vocational activation of repatriates are government administration tasks.5. Employment agencies shall provide communes with comprehensive assistance in the organisation of vocational activation of repatriates.

## Chapter 7

### Records, registers and data processing

Art. 29.1. In order to allow repatriate candidates to search for the appropriate settlement conditions in the territory of the Republic of Poland registers of dwellings and sources of income of repatriates shall be established.2. The registers shall include data contained in resolutions and statements mentioned in art. 12 paragraph 2 that do not indicate specific persons that may apply for the issuance of a repatriation visa.3. The register shall be kept by the President of the Office for Repatriation and Foreigners.

Art. 30.1. The President of the Office for Repatriation and Foreigners shall keep a register of persons applying for a repatriation visa and members of their immediate families who do not have a dwelling or a source of income in the Republic of Poland.2. The register shall contain the following details of persons applying for a repatriation visa and members of their immediate families included in the visa application:1) name and surname,2) place of residence abroad and place of intended settlement in the Republic of Poland,3) nationality and ethnic origin,4) citizenship,5) occupation, education and professional qualifications,6) expectations regarding the settlement conditions,7) political and ethnic persecution,8) state of health.

Art. 31.1. Subject to paragraph 2 the data from the register mentioned in art. 29 are made available through a consul of the Republic of Poland to persons who have been issued with a promise of a repatriation visa in the order of submitting complete repatriation visa applications.2. The data mentioned in paragraph 1 should be made available first to persons deported and persecuted for reasons of nationality or politics whose age and bad state of health justifies speedy repatriation to the Republic of Poland.3. Acceptance of the settlement conditions by the person provided with the data from the register concerning these conditions shall mean the meeting of the requirement mentioned in art. 12 paragraph 1.

Art. 32. The consul keeps the register of applications and decisions regarding:1) issuance of repatriations visas,2) issuance of a temporary leave to remain in the territory of the Republic of Poland. 23. The President of the Office for Repatriation and Foreigners keeps a central register of applications and decisions regarding:1) issuance of repatriations visas,2) issuance of a temporary leave to remain in the territory of the Republic of Poland,3) providing aid to repatriates from the State budget.

Art. 34. The data contained in the registers and records may be processed and made available using data equipment.

Art. 35. The following data may be processed in procedures hereunder without the consent of the persons included in the applications mentioned in art. 32 and 33:1) data pertaining to citizenship,2) data pertaining to nationality and ethnic origin,3) data pertaining to occupation, education and professional qualifications,4) data pertaining to expectations regarding the settlement conditions,5) data pertaining to political and ethnic persecution,6) data pertaining to the state of health.

Art. 36. The minister competent for matters of internal affairs in agreement with the minister competent for matters of foreign affairs shall issue a regulation defining patterns of the registers and records mentioned in art. 29, art. 30, art. 32 and the method of processing data contained in these registers and records.

## Chapter 8

### Financing of tasks from the State budget

Art. 37.1. Funds for the realisation of the tasks defined in the act financed from the State budget come from the target reserve of the State budget.2. The minister competent for matters of public finance in agreement with the minister competent for

matters of internal affairs shall allocate the target reserve for the implementation of the tasks mentioned in paragraph 1.

Art. 38. The Council of Ministers shall issue a regulation defining a detailed procedure in matters regarding: 1) the division and allocation of the target reserve of the State budget, 2) granting of subsidies to communes for the purpose of vocational activation of repatriates, 3) granting of subsidies to communes providing dwellings to repatriates from the municipal housing stock, 4) providing starosts with funds from the voivodship budget to meet the cost of aid given to repatriates, 5) reimbursement by the voivodship governor of the cost of repairing or adapting dwellings borne by communes, 6) patterns of applications for the granting to communes of the subsidies specified in point 2 and 3. Chapter 9 Changes in the regulations in force, transitional and final provisions

Art. 39. In the act of 14 December 1994 on employment and counteracting unemployment (OJL of 1997, No 25, item 128, No 28, item 153, No 41, item 255, No 63, item 403, No 93, item 569, No 107, item 692, No 121, item 770 and No 123, item 776, of 1998, No 66, item 431, No 106, item 668, No 108, item 684, No 137, item 887, No 162, item 1112, 1118 and 1126, of 1999 No 60, item 636 and of 2000 No 12, item 136, No 31, item 384, No 48, item 550 and No 70, item 820) in art. 23, paragraph 1 point 2 letter g) the full stop is hereby replaced with a comma and letter h) of the following tenor added: "h) was employed abroad and arrived in the Republic of Poland as a repatriate."

Art. 40. In the act of 25 June 1997 on foreigners (OJL No 114, item 739 and of 1998, No 106, item 668 and No 162, item 1126) the following changes are hereby made: 1) in art. 10: a) in paragraph 1 the words "of Polish nationality or" shall be deleted, b) in paragraph 3 the words "except means required for the arrival at the place of settlement" shall be deleted, c) paragraph 4 shall be deleted; 2) art. 97 shall be deleted; 3) in art. 102 the words "repatriation and" shall be deleted.

Art. 41. A person who prior to the coming into force of the act acquired Polish citizenship on the basis of regulations of the act of 15 February 1962 on Polish citizenship (OJL of 2000, No 28, item 353) may be granted the repatriate status provided the following conditions are met jointly: 1) within 12 months from the coming into force of the act the person submits an application for the granting of the repatriate status to the voivodship governor competent for that person's place of residence, 2) on the day of acquisition of a leave to settle in the territory of the Republic of Poland that person was a citizen of the Union of Soviet Socialist republics or one of the states created after its collapse, 3) the person is of Polish extraction. 2. A person meeting jointly the following conditions may also be granted the repatriate status: 1) within 12 months from the coming into force of the act the person submits an application for the granting of the repatriate status to the voivodship governor competent for that person's place of residence, 2) the person is of Polish extraction, 3) the person remains in the territory of the Republic of Poland on the basis of a settlement leave, 4) until 1991 the person resided permanently for a period of at least 5 years in the territory mentioned in art. 9, 5) circumstances mentioned in art. 8 of the act do not apply to that person. 3. Regulations of art. 7 shall apply to the acquisition of Polish citizenship by a minor remaining in loco parentis of a person granted the

repatriate status pursuant to paragraph 2.4. Regulations of art. 16 paragraph 2-4 shall apply accordingly.

Art. 42 (deleted).

Art. 43.1. The communes which provided repatriates arriving in the Republic of Poland between 15.05.2000 and the day of coming into force of the act with dwellings from the municipal housing stock shall in the years 2000 and 2001 be granted subsidies from the "Aid to repatriates" target reserve of the State budget in an amount not exceeding the product of 200% of the average monthly pay in the quarter preceding the day of submission of the subsidy application and the number of members of the immediate family of the repatriate living in the common household, not less, however, than 600% of this pay.<sup>2</sup> The subsidy mentioned in paragraph 1 shall be granted by the competent voivodship governor upon the commune's application.

Art. 44.1. Proceedings for the issuance of a repatriation visa initiated and not completed by the day of coming into force of the act shall continue in accordance with the current regulations.<sup>2</sup> Proceedings for the granting of aid initiated and not completed by the day of coming into force of the act shall continue in accordance with the current regulations.

Art. 45. The act comes into force on 1 January 2001 except art. 43 which comes into force 14 days after promulgation.