

TRANSFER OF FOREIGN CIVIL STATUS DOCUMENT TO THE CIVIL STATUS REGISTER BY MEANS OF TRANSCRIPTION

Service Sheet

TRANSFER OF FOREIGN CIVIL STATUS DOCUMENT TO THE CIVIL STATUS REGISTER BY MEANS OF TRANSCRIPTION

Rzeszów Municipal Office

1. Documents required to handle the case

Birth, marriage and death certificates drawn up outside the Republic of Poland may be transferred to the civil status register by means of transcription. Transcription involves faithful and literal transfer of the content of a foreign civil status document, both linguistically and formally, without any interference with the spelling of the names of the persons referred to in the foreign civil status document. Transcription applies to documents which are recognised as civil status documents and are official documents in the State of issue, are issued by a competent authority and do not raise doubts as to their authenticity.

Applicant and competent authority:

- the transcription subject,
- a proxy of the transcription subject (a power of attorney is then required - draft power of attorney enclosed),
- any other person who demonstrates a legal or factual interest in the transcription of the document confirming the death.

An application for the transcription of a foreign civil status record is submitted to the head of the civil registry office of choice.

Documents required:

- an application for the transcription of a foreign civil status document,
- original copy of the foreign civil status document constituting proof of the event and its registration,
- an official translation of the foreign document into Polish,
- the spouses' declaration on their last name used after getting married and the last name of the children born of this marriage (this applies if the foreign civil status document certifying the marriage does not mention the spouses' last name after getting married and the last name of the children born of this marriage),
- a power of attorney, if granted by the transcription subject,
- valid proof of identity - available for review,
- proof of payment of stamp duty.

Documents in a foreign language (not applicable to certified copies on multilingual forms) shall be submitted with an official translation into Polish made by:

- a sworn translator entered into the list kept by the Minister of Justice,
- a sworn translator authorised to make such translations in Member States of the European Union or the European Economic Area (EEA),
- the consul.

Documents in a foreign language translated into Polish by a translator in the host country and documents translated from a rare language into a language known to the consul, and then translated into Polish by the consul shall also be considered as documents translated by the consul.

Declaration on the spouses' last name used after getting married and the last name of the children born of this marriage.

If the foreign civil status document confirming the marriage does not contain a record of the spouses' declaration of their last name used after getting married, the spouses may make such declarations in the application for transcription, or they may make them on the record at any time before the head of the civil registry office in which the transcription was made. The spouses can make a declaration on the name of the children born of the marriage as part of the same procedure.

Data spelling adjustment

When transcribing a foreign civil status document concerning Polish citizens who also use civil status records drawn up in the Republic of Poland, the head of the civil registry office adjusts, at the request of the record subject, the spelling of the data contained in the foreign document to the rules of Polish spelling. If such a request was submitted with the application for transcription.

The name of a place situated outside the borders of the Republic of Poland shall be included in the spelling established by the Commission on Standardization of Geographical Names Outside the Republic of Poland.

Application submission through a consul

An application for the transcription of a foreign civil status record may be submitted through a Polish consul. The consul sends the application together with the required documents to the head of the civil registry office in the Republic of Poland chosen by the applicant. If the application for transcription of a civil status document confirming marriage has been submitted to a consul, the declaration of the last name after getting married and the declaration of the last name of the children born of that marriage may be included by the spouses in the application for transcription or submitted for the record before a consul when submitting the application for transcription. A record of the acceptance of these declarations shall be attached by the consul to the application for transcription.

Transcription obligation

Transcription is obligatory if the Polish citizen constituting the subject of the foreign civil status document:

- has a civil status record confirming a previous event drawn up on the territory of the Republic of Poland and requests that civil status registration act to be performed,
- applies for a Polish identity document,
- applies for a PESEL number.

2. Online application submission

The application for transcription may be sent electronically if the applicant can confirm it with a qualified electronic signature or a signature confirmed by the ePUAP trusted profile. The appendices required by law (especially the original copy of the foreign civil status document and the official translation of the foreign document into Polish) must be submitted as original hard copies.

3. Fees

Stamp duty is payable for the following:

- issuing the applicant a full certified copy of a civil status record after transcription - PLN 50,
- power of attorney to make a transcription of a foreign civil status document, if one has been granted - PLN 17.00,
- A power of attorney granted to ascendants (parents, grandparents), descendants (children, grandchildren), siblings and spouse is not subject to stamp duty.

The stamp duty can be paid:

- by wire transfer to the account of the Rzeszów Municipal Office, ul. Rynek 1, account no. 90 1240 6960 3851 0062 0000 0423
- on the spot

4. Place of submission of documents

Civil Registry Office in Rzeszów
Pl. Ofiar Getta 7
35-002 Rzeszów
Floor II, room 42, room 35
tel. 17 788 99 00

5. Manner of and deadline for handling the case

Manner of handling the case:

An application for the transcription of a foreign civil status record, together with the required documents, may be submitted to the head of a Polish civil registry office of choice. If the application is filed through a proxy, a power of attorney (draft document enclosed) and the spouses' declarations on the last name used after getting married and the last name of the children born of the marriage are required. The head of the civil registry office in which the transcription was made provides the applicant a full certified copy of the civil status record.

Notification of transcription

If a transcription of a foreign civil status document certifying birth is made at the request of the child's mother and the document contains data of the father other than those resulting from the presumption of the child's descent from the mother's husband, the head of the civil registry office in which the transcription was made shall notify the mother's husband, instructing him of his right to bring action before a court to deny paternity if it is possible to establish the whereabouts of the presumed father. If a transcription is made at the request of one of the spouses, the head of the civil registry office shall notify the other spouse of the transcription and inform him or her of the right to make a declaration on the last name. If a transcription is made at the request of a person other than the transcription's subject, the head of the civil registry office shall inform the transcription's subjects. If the transcribed document concerns spouses, the head shall inform them of their right to make declarations on the last name or declarations on the last name of the children.

Missing data completion If the civil status record does not contain all the required data after the transcription, an application for completion must be made to the head of the civil registry office in which the transcription was made. A civil status record may be completed based on other civil status records, a foreign civil status document

If it is recognised as a civil status document in the State of issue, or any other foreign document proving the civil status.

For more information, see the service sheet named "Rectification or completion of a civil status record".

Deadline for handling the case:

Immediately, and up to one month in particularly complex cases.

6. Appeal procedure

The head of the civil registry office refuses to make a transcription if:

- 1) the document is not recognised as a civil status document in the State of issue, or does not have the force of an official document, or was not issued by a competent authority, or raises doubts as to its authenticity, or confirms an event other than birth, marriage or death;
- 2) the foreign document was drawn up by transcription in a State other than the State of the event;
- 3) the transcription would be contrary to the fundamental principles of the legal order of the Republic of Poland.

The refusal to carry out a civil status registration act takes the form of an administrative decision. The applicant can file an appeal against the decision to the Podkarpackie Voivode, via the Head of the local Civil Registry Office, within the period of 14 days from the date of the decision's delivery.

7. Legal basis

[Act of 28 November 2014 - Civil Status Records Law](#)

[Act of 25 February 1964 - Family and Guardianship Code](#)

[Act of 16 November 2006 on stamp duty](#)

[Act of 17 February 2005 on the computerisation of the activities of public entities](#)

[Act of 5 September 2014 on electronic signatures and electronic identification](#)

[Act of 6 August 2010 on identity cards](#)

[Act of 13 July 2002 on passports](#)

Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, drawn up in Hague on 5 October 1961

8. Notes

The Head of the Civil Registry Office may summon the applicant to legalise the document.

Forms of legalisation:

- full legalisation - carried out by a Polish consul,
- apostille - if the document is issued by the authorities of a State which is party to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, drawn up in Hague on 5 October 1961

Legalisation is the primary manner of authenticating foreign documents. It involves declaring the document to be in conformity with the law of its place of issue by the consular officer in order for it to be used in a State other than its State of issue.

An apostille is a clause issued by the competent authority of the State of issue. It is drawn up in accordance with the draft document enclosed to the Convention and is an annotation made on the document. A document certified with an Apostille may be submitted to the competent authorities, offices and institutions of another State without additional legalisation. In order to obtain the "Apostille" clause on official foreign documents for use in States that are party to the Hague Convention, it is necessary to apply to the authorities of the document's State of origin. An up-to-date list of State parties to the Hague Convention is available on the website of the Ministry of Foreign Affairs: https://www.msz.gov.pl/informacje_konsularne/apostille

Information on Personal Data Processing

Processing of personal data of the Civil Registry Office's applicants

In accordance with Article 13 of the General Data Protection Regulation of 27 April 2016 (Official Journal of the EU, L 119 of 4 May 2016), I hereby inform that:

1. The administrator of your personal data is the Municipality of the City of Rzeszów, Rynek 1, 35-064 Rzeszów.
2. The Administrator - Municipality of the City of Rzeszów has appointed a Data Protection Officer whom you can contact:
 - in person: in the building at ul. Grunwaldzka 38, 35 - 064 Rzeszów,
 - in writing: to the inspector's seat address,
 - by e-mail: iod@rzeszow.pl

3. Your personal data will be processed for the purpose of performing civil status registration tasks, based on the provisions set out in the Act of 28 November 2014 - Civil Status Records Law.

4. The recipients of personal data will only include entities authorised to obtain personal data based on rules of law.

5. Your personal data will be kept for the time set out in the rules of law, in accordance with the office instructions.

6. You have the right to request the Administrator to provide access, rectify or restrict the processing of your personal data.

7. You have the right to lodge a complaint with the President of the Personal Data Protection Office.

8. It is mandatory to provide data in the extent required by legislation.

Service Sheet Data

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Verified by	Jerzy Wiktor	1 December 2019
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