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POLISH CITIZENSHIP LAWS CLARIFIED

REQUIREMENTS LISTED -- Repatriant, No 31, 5 Aug 49

Marriage -- Foreign women marrying Polish citizens acquire Polish citizenship. There is, however, some tendency to modify the existing law and not consider marriage an automatic provision for acquiring the husband's citizenship. A Pole who lost her citizenship by marrying a foreigner may regain it if, after dissolution of the the marriage (by death of the husband or divorce), she returns to Poland and makes the proper application to the authorities at her place of residence. This rule was approved by the Hague Convention of 1930.

Another rule of the convention determines that naturalization of the husband, while the marriage is in force, does not entail naturalization of the wife unless the latter expresses her agreement. This is confirmed by a circular of the Ministry of Public Administration, item 329, published in its Official Journal of 1948. The same circular admonishes authorities to proceed very cautious in granting citizenship to wives of naturalized citizens and to withhold the privilege from those who were disloyal during the German occupation.

Granting of Citizenship -- Applicants for Polish citizenship must answer the following requirements: (1) irreproachable conduct, (2) residence in Polish territory for at least 10 years, (3) sufficient funds to maintain applicant and family, and (4) knowledge of the Polish language. If all requirements are met, the authorities may grant Polish citizenship, if they so deem. In exceptional cases, citizenship may be extended to persons who fail to answer the above requirements.

Loss of Polish Citizenship -- Acquisition of foreign citizenship causes the loss of Polish citizenship, even if foreign naturalization was acquired with the consent of Polish authorities. Persons subject to active military duty may acquire foreign citizenship only after being released from this duty and do not lose their Polish citizenship under this provision. The Minister of National Defense, by

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agreement with the Minister of Public Administration, may grant ex officio the release from military duty to persons or groups of persons who acquired foreign citizenship prior to obtaining this release. The consulates submit lists of such individuals to the Ministry of Foreign Affairs (circular of the Ministry of Foreign Affairs published in its Journal, No 7, 1948, item 54).

Marriage to a foreign citizen does not involve loss of citizenship for a Polish woman. She loses her citizenship only if she accepts her husband's citizenship. Neither the USSR nor the USA extend citizenship automatically to wives of their citizens; consequently, Polish women do not lose their citizenship by marrying them. The same is true of marriages to stateless persons.

NEW CITIZENSHIP LAW IN RECOVERED TERRITORIES -- Repatriant, No 32, 12 Aug 49

A new law of Polish citizenship for persons residing in the Recovered Territories, went into effect 10 May 1946.

The law deals primarily with the indigenous inhabitants permanently residing in these territories prior to 1 January 1945, and grants them Polish citizenship, provided they may be considered "Polish nationals." This is established by a verifying commission, or by the Polish administration authorities, if applicants have failed to appear before the commission. Repatriates are, as a rule, excused for delayed appearance.

According to the explanatory circular issued by the Ministry of Recovered Territories (Journal of Laws, No 9, paragraph 150), the commission acts only in an advisory capacity, and citizenship is established by the administration authorities, who receive and examine all proofs and applications. Polish nationality is not solely a matter of origin. If a person of Polish origin renounces Polish traditions, language, and education, he cannot be considered a Pole; and, on the other hand, persons of German or other foreign origin may belong to the Polish nation for the opposite reasons.

In the circular of 5 June 1947, the Minister of Recovered Territories expressly stated that the indigenous and immigrated population must receive equal treatment in the consideration of Polish nationality.

The citizenship law of 1920 is also binding in the recovered territories and mostly concerns resettled immigrants, who are granted Polish citizenship if they meet the requirements of the law.

Persons who declared their German affiliation in order to be privileged by the Nazis during the war do not automatically lose their Polish citizenship. They are still considered Polish citizens and may be prosecuted under provisions of the decree of 28 June 1946, on national defection. On the other hand, they are not required to present special declarations of allegiance to be rehabilitated.

Persons over 18, who by their attitude have shown distinctly German characteristics, are deprived of their Polish citizenship by virtue of the decree of 13 September 1946. The decree states that German allegiance during the war does not in itself constitute proof of national defection if allegiance was purely a formality and the persons involved demonstrated they were Polish by their attitude.

- 2 -

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Other groups deprived of Polish citizenship are: (1) the spouse of a person who lost Polish citizenship, if he or she wishes to leave Polish territory, (2) children under 18, if both parents lost their Polish citizenship, and (3) children born out of wedlock, under 18, if the mother lost her Polish citizenship, unless they are brought up by a person who has not lost Polish citizenship. A child of deceased or unknown parents, who by his attitude shows a distinct German affiliation, and who, after reaching the age of 13, wishes to continue in this attitude, also loses his Polish citizenship. A child cannot, however, be deprived of Polish citizenship, if (1) one parent wishes the child to keep its Polish nationality, (2) if the child is not raised by the parents, but in a public institution, or by a person who has not lost Polish citizenship.

Minors over 13 are not deprived of Polish citizenship if they express a desire to remain Polish citizens and show by their behavior that they are members of the Polish community.

Persons deprived of Polish citizenship are expelled from Polish territory and their properties confiscated.

SECURITY DECREE DRAFT RATIFIED -- Zycie Warszawy, No 297, 28 Oct 49

Among the decrees ratified at the 87th meeting of the State Council on 26 October was the draft of the decree on state and military security. The President of the Republic presided at the meeting, and the president of the Council of Ministers participated.

STUDENTS SENTENCED -- Zycie Warszawy, No 297, 28 Oct 49

Three students of the Academy of Political Science were sentenced to prison terms for jeering at a religious procession during the celebration of the Feast of Corpus Christi on 16 June. The Appellate Court of Warsaw sentenced Henryk Rolski to 5 years imprisonment, Stanislaw Burkhardt to 3 years, and Janusz Pырzewicz to one year.

During the war, Rolski was a member of a fascist organization and after the war continued his activities against people's Poland. On entering the university, he concealed his previous political activities and was active in academic organizations.

Rolski was accused of agitating and inciting others to a demonstration during the procession. The decision of the court was that such demonstrations are especially harmful and dangerous inasmuch as they give support to factions which are inimical to Poland.

CITIZENS' MILITIA ACTIVE -- Polska Zbrojna, No 275, 7 Oct 49

Gen J. Konarzewski, Commander in Chief of the Citizens' Militia, announced intensified vigilance, improvement in crime detection, and more efficient functioning of all militia departments. The announcement was made on the occasion of the fifth anniversary of the militia.

According to General Konarzewski, the Citizens' Militia during its 5 years of existence reduced criminal offenses to one third of the 500,000 offenses in 1938. The militia apprehended 53 percent of all violators, or 20 percent more than in 1938. Forgeries and misappropriations were reduced to less than one tenth of the 60,000 in 1938. Average monthly deaths due to automobile accidents were reduced from 150 in 1948 to 100 in 1949.

The Citizens' Militia was created on 7 October 1944 by a decree of the Polish Committee for National Liberation.

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- 3 -

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