



# Relocation Applications - Tips and Guidance for cases involving Poland

With around 700,000 Poles calling the UK home, it is little surprise that so many may consider returning to Poland on a permanent basis. When children are involved, and when their parents cannot agree in relation to the move, it will be the court who can decide whether that is actually in the child's best interests. But what should you bear in mind when considering an application to relocate, or when you are seeking to defend an application of this nature?

## Legal background

Poland is a signatory to Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. However, significant questions have been raised as to the way in which Poland has implemented return decisions in the past.

With regards to the jurisdiction in children matters, Brussels II Regulations apply to proceedings within the EU. For non-EU countries, the Polish Court would have jurisdiction if a child is domiciled or resident in Poland or if the applicant and the child are Polish nationals.

Furthermore, the legal framework for children applications in Poland is substantially different when compared to that used in England and Wales. The rules with regards to the children law are contained in the Family and Guardianship Code of 1964 (and its subsequent amendments).



The law stipulates that one parent cannot remove the child from the jurisdiction without the consent of the other parent, or the permission of the court. If one parent wishes to move to the other jurisdiction and the other parent does not agree, an application will need to be made to the court for permission to remove the child.

These cases can be very finely balanced and it is therefore important to understand the key points that need to be addressed but importantly the issues that might be of importance when it comes to Poland specifically.

## **Important things to know about Poland: cultural issues**

Poles can be rather traditional and are mostly raised as Catholics, which has significant impact on their beliefs and how they raise their children. Their cultural background and language are of particular importance. Many Poles have strong family connections, and their family will often wish to be involved in the process or will play a role in the child's life.

## **Education and school holidays**

The schooling system is also notably different when compared to England. The teaching style tends to focus on theoretical knowledge across all subjects. Children in Poland normally start school at the age of 6 -7 years old and they are automatically assigned a place based on their address of residence. There are some options for private education, however this is mostly in larger cities. The school breaks also differ from the UK as Polish children tend to have a longer summer holiday, a winter break, Christmas and Easter breaks on top of some days that are considered national holidays closely linked to Catholic celebrations or important historic dates. They are spread throughout the year. Many Polish children living in the UK will attend Polish Saturday schools. The curriculum focuses on Polish language, history, geography and cultivating Polish traditions and culture. The schools prepare the children to pass Polish language tests at GCSE and A-levels exams. If there is a proposed relocation of a child to Poland, attending a Polish Saturday school can ease their transition and show clear links to the country.

## **Healthcare**

Poland does have an equivalent of NHS, and healthcare is free for Polish nationals. However, the system is far from perfect and many opt to use private healthcare, especially where the waiting



times for funded specialists' appointments can be very lengthy.

## **Internal travel**

It is important to consider where in Poland the family wishes to relocate to. The flight connections can differ vastly if larger cities are being considered, such as Warsaw, Krakow, Poznan or Gdansk. There are often many flights available, but they do tend to get more expensive around school breaks and any Catholic celebrations such as Easter or Christmas. Prospective applicants should have an eye to the feasibility of travel on specific dates of travel to have a realistic view of the associated costs. The internal travels to and from airports can also often add hours to the travel times given the size of the country. If both parents are Polish, it might be easier to organise all the trains, transport and accommodation with family or friends during visits to see the child if relocation is successful, however it can get quite tricky if the parent who is left behind does not speak the language.

## **Polish court orders**

The Polish Consulate can be very helpful indeed with clarifying legal framework and what can be achieved in Poland. It is well worth consulting them before finalising an English court order to make sure that there are no difficulties with recognition and enforcement in Poland. If the Embassy cannot assist, it is essential to consult a Polish solicitor that has expertise of dealing with the international cases to make sure that any order made in England has the best potential chances of being enforced in Poland.

Relocation requires careful consideration of all circumstances in the case and understanding of the proposals that the parents are making and how they would work in practice. It is therefore essential to have someone on your side who can assist and guide you.

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