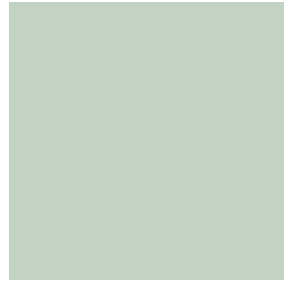


UPDATE ON 2024



POLAND



# COUNTRY REPORT

JULY 2025

## Acknowledgements & Methodology

This report was written by Karolina Rusiłowicz (Asylum Procedure, Content of International Protection), in collaboration with Ewa Ostaszewska-Żuk, advocate at the Helsinki Foundation for Human Rights (HFHR) (Detention of Asylum Seekers, Content of International Protection), Zuzanna Kaciupska (Reception Conditions, Content of International Protection) and Maja Łysienia (legal counsel – *radca prawny*) (Temporary Protection), with the support of Helsinki Foundation for Human Rights and Association for Legal Intervention, and was edited by ECRE.

This report draws on information provided by the Office for Foreigners, the Border Guard, the Refugee Board, Voivods, and NGOs in writing and in oral interviews.

The information in this report is up-to-date as of 31 December 2024, unless otherwise stated.

All conversions from zloty to EUR are based on the exchange rate of the European Commission as of December 2024.

## The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website [www.asylumineurope.org](http://www.asylumineurope.org). It covers 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), partially funded by the European Union's Asylum, Migration and Integration Fund (AMIF). The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



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## Glossary & List of Abbreviations

<b>AMIF</b>	Asylum, Migration and Integration Fund
<b>ASQAEM</b>	Asylum Systems Quality Assurance and Evaluation Mechanism
<b>BIPs</b>	Beneficiaries of international protection
<b>CAR</b>	Central African Republic
<b>CJEU</b>	Court of Justice of the European Union
<b>EASO</b>	European Asylum Support Office
<b>ECtHR</b>	European Court of Human Rights
<b>EMN</b>	European Migration Network
<b>ERF</b>	European Refugee Fund
<b>EUAA</b>	European Union Agency for Asylum
<b>GG</b>	Grupa Granica
<b>HFHR</b>	Helsinki Foundation for Human Rights
<b>IFA</b>	Internal Flight Alternative
<b>IPI</b>	Individual Integration Programme
<b>MSF</b>	Médecins Sans Frontières
<b>NFZ</b>	National Health Fund
<b>OPS</b>	Social Welfare Centre   Ośrodek Pomocy Społecznej
<b>PCPR</b>	Powiat Family Support Centres   Powiatowe Centra Pomocy Rodzinie
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>SG</b>	Border Guard   Straż Graniczna
<b>SGBV</b>	Sexual and gender-based violence
<b>SIP</b>	Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention)
<b>SIS</b>	Schengen Information Database
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## Statistics

### Overview of statistical practice

Statistics are provided on the website [migracje.gov.pl](http://migracje.gov.pl). The statistics presented below were provided upon request by the Office for Foreigners.

### Applications and granting of protection status at first instance: figures for 2024

	Applicants in 2024 (1)	Pending at end 2024	Total decisions in 2024 (2)	Total in merit decisions	Total rejection	In merit rejection	Refugee status	Subsidiary protection	Humanitarian protection (3)
<b>Total</b>	17,020	6,939	11,971	8,553	4,960 <sup>1</sup>	1,542	591	6,420	

Breakdown by top 10 countries of origin of the total numbers

<b>Ukraine</b>	7,054	3,177	Not available	3,997	Not available	91	5	3,901	
<b>Belarus</b>	3,943	1,957	Not available	2,742	Not available	153	298	2,291	
<b>Russia</b>	985	441	Not available	850	Not available	656	119	75	
<b>Somalia</b>	605	22	Not available	18	Not available	0	9	9	
<b>Eritrea</b>	564	31	Not available	18	Not available	0	0	18	
<b>Ethiopia</b>	554	44	Not available	29	Not available	0	4	25	
<b>Syria</b>	517	50	Not available	24	Not available	3	14	7	
<b>Tajikistan</b>	341	129	Not available	60	Not available	34	6	20	
<b>Afghanistan</b>	275	150	Not available	62	Not available	3	39	20	
<b>Sudan</b>	241	29	Not available	4	Not available	0	0	4	

Source: Office for Foreigners.

(1) "Applicants in year" refers to the total number of applicants, not only to first-time applicants.

(2) Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

<sup>1</sup> This data was not provided by the Office for Foreigners, so it was calculated by the author by subtracting refugee status decisions (591) and subsidiary protection decisions (6,420) from the total number of decisions (11,971). This number 'total rejection' includes the 3,408 decisions on discontinuing the procedure taken in 2024.



(3) Humanitarian protection is not granted within the international protection proceedings, but within return proceedings or independently if the return decision has already been issued (but has not been executed). The first instance authority is the Chief of the Border Guard Division/Post and the Head of the Border Guard is the second instance authority (previously it was the Head of the Office for Foreigners). The number of persons granted humanitarian protection status in 2024 in both instances was 97.

#### Applications and granting of protection status at first instance: rates for 2024

	Overall rejection rate (2)	In merit rejection rate (1)	Overall protection rate (2)	In merit protection rate (1)	Refugee rate (1)	Subsidiary protection rate (1)
<b>Total</b>	41%	18%	59%	82%	7%	75%
Breakdown by top 10 countries of origin of the total numbers						
<b>Ukraine</b>	Not available	2%	Not available	98%	0.1%	98%
<b>Belarus</b>	Not available	6%	Not available	94%	11%	84%
<b>Russia</b>	Not available	77%	Not available	23%	14%	9%
<b>Somalia</b>	Not available	0%	Not available	100%	50%	50%
<b>Eritrea</b>	Not available	0%	Not available	100%	0%	100%
<b>Ethiopia</b>	Not available	0%	Not available	100%	14%	86%
<b>Syria</b>	Not available	13%	Not available	87%	58%	29%
<b>Tajikistan</b>	Not available	57%	Not available	43%	10%	33%
<b>Afghanistan</b>	Not available	5%	Not available	95%	63%	32%
<b>Sudan</b>	Not available	0%	Not available	100%	0%	100%

Source of the percentages: In-merit protection rate was provided by the Office for Foreigners. Other percentages calculated by the authors of the report based on overall statistics provided by the Office for Foreigners (see table above).

(1) These rates are calculated based on in merit decisions only, excluding non in merit rejections.

(2) These rates are calculated based on total decisions.

#### Gender/age breakdown of the total number of applicants: 2024

	Men	Women		Adults	Children	
					Accompanied	Unaccompanied
<b>Number</b>	11,649	5,371	<b>Number</b>	14,202	2,520	297
<b>Percentage</b>	68.5%	31.5%	<b>Percentage</b>	83%	14%	1.7%

Source: Office for Foreigners.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

#### First instance and appeal decision rates: 2024

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
<b>Total number of in merit decisions (persons affected by decisions)</b>	8,553		1,050*	
Positive decisions	7,011	82%	17	1.6%
• <i>Refugee status</i>	591	7%	2	0.2%
• <i>Subsidiary protection</i>	6,420	75%	15	1.4%
• <i>Other</i> <sup>2</sup>	n/a	Not applicable	Not applicable	not applicable
Negative decisions (in merit)	1,542	18%	1,033	98.4%

Source: First instance - Office for Foreigners, Appeal – Refugee Board (the \* number was calculated by the author based on the other data provided)

<sup>2</sup> Decisions annulling the decisions of the Office for Foreigners and directing the case back to first instance proceedings.

## Overview of the legal framework

### Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (PL)	Abbreviation	Web Link
Law of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws 2012 pos. 680)	Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej (Dz.U. 2012 poz. 680)	Law on Protection	<a href="https://orka.sejm.gov.pl/proc10.nsf/ustawy/924_u.htm">Uniform text as of 16 June 2023 (PL)</a> and the act from 21 February 2025 amending the Law on Protection: <a href="https://orka.sejm.gov.pl/proc10.nsf/ustawy/924_u.htm">https://orka.sejm.gov.pl/proc10.nsf/ustawy/924_u.htm</a>
Law of 12 December 2013 on foreigners (Journal of Laws 2013 pos. 1650)	Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach (Dz.U. 2013 poz. 1650)	Law on Foreigners	<a href="#">Uniform text of the Act as of 21 March 2024 (PL)</a>
Law of 14 June 1960 Code of administrative procedure (Journal of Laws 2013 pos. 267)	Ustawa z dnia 14 czerwca 1960 r. Kodeks Postępowania Administracyjnego (Dz.U. 2013 poz. 267)	Code of Administrative Procedure	<a href="https://bit.ly/3oauUKK">https://bit.ly/3oauUKK</a> (PL)
Law of 12 March 2022 on assistance to Ukrainian nationals with regard to the arm conflict on the territory of this country	Ustawa z 12 marca 2022 r. o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa	Law on assistance to Ukrainian nationals /Special Law	<a href="#">Uniform text as of 16 January 2024 (PL)</a> The law is applicable from 24 February 2022

### Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (PL)	Abbreviation	Web Link
Ordinance of the Minister of Interior and Administration of 6 October 2023 on the amount of assistance for foreigners seeking international protection (Journal of Laws 2023 pos. 2154)	Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 6 października 2023 r. w sprawie wysokości pomocy dla cudzoziemców ubiegających się o udzielenie ochrony międzynarodowej (Dz.U. 2023 poz. 2154)	Regulation on Amount of Assistance for Asylum Applicants	<a href="https://bit.ly/3UIVarZ">https://bit.ly/3UIVarZ</a> (PL)
Ordinance of the Ministry of Interior of 23 October 2015 on the rules of stay in the centre for foreigners (Journal of Laws 2015 pos.1828)	Rozporządzenie Ministra Spraw Wewnętrznych z dnia 23 października 2015 r. w sprawie regulaminu pobytu w ośrodku dla cudzoziemców (Dz. U. 2015 poz. 1828)	Regulation on Rules of stay in the Centre for Asylum Applicants	<a href="https://bit.ly/3mF6t7T">https://bit.ly/3mF6t7T</a> (PL)

Ordinance of the Ministry of Interior and Administration of 24 April 2015 on the guarded centres and detention centres for foreigners (Journal of Laws 2015 pos. 596)	Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 24 kwietnia 2015 r. w sprawie strzeżonych ośrodków i aresztów dla cudzoziemców (Dz.U. 2015 poz. 596)	Regulation on Detention Centres	<a href="https://bit.ly/43BjDU5">https://bit.ly/43BjDU5</a> (PL) amended in 2021 by: <a href="https://bit.ly/3aaJI2E">https://bit.ly/3aaJI2E</a>
Ordinance of the Ministry of Interior of 4 November 2015 on the form of application for international protection	Rozporządzenie Ministra Spraw Wewnętrznych z dnia 4 listopada 2015 r. w sprawie wzoru formularza wniosku o udzielenie ochrony międzynarodowej	Regulation on the application form	<a href="https://bit.ly/43E05hJ">https://bit.ly/43E05hJ</a> (PL)
Ordinance of the Ministry of Interior and Administration of 13 March 2020 on temporary suspension or limitation of cross-border movement on some border crossing points	Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 13 marca 2020 r. w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych	Regulation on the cross-border movement	<a href="https://bit.ly/3GEjUsC">https://bit.ly/3GEjUsC</a> (PL) amended in 2021 by The Ordinance of 20 August 2021: <a href="https://bit.ly/3gwTtKX">https://bit.ly/3gwTtKX</a> (PL)
Ordinance of the Council of Ministers of 27 March 2025 limiting the right to apply for international protection	Rozporządzenie Rady Ministrów z dnia 27 marca 2025 r. w sprawie czasowego ograniczenia prawa do złożenia wniosku o udzielenie ochrony międzynarodowej	Regulation on suspension of the right to apply for international protection	<a href="https://dziennikustaw.gov.pl/D2025000039001.pdf">https://dziennikustaw.gov.pl/D2025000039001.pdf</a>

## Overview of main changes since the previous report update

The report was previously updated in **June 2024**.

### International protection

#### *Asylum procedure*

- ❖ **Statistics:** in 2024, 17,020 people applied for international protection in Poland, including 14,571 first time applicants. The majority (65%) were nationals of Ukraine and Belarus. Excluding those who submitted applications at airports, 3,141 people came directly from the territory of Belarus, Russia or Ukraine. The in merit protection rate stood at 82% (see [Statistics](#)).
- ❖ **Ban on access to the Polish-Belarusian border:** In June 2024 the ban on entering the buffer zone – area close to the border was reintroduced, and was prolonged throughout the year, preventing the provision of humanitarian assistance to people seeking international protection by civil society organisations (see [Access to the territory and pushbacks](#)).
- ❖ **Violence at the border and pushbacks:** Reports of violence at the border continued in 2024: testimonies collected by civil society organisations include reports on the use of verbal and physical violence, including by the Border Guard officers, such as use of firearms, beatings, routine use of pepper spray. From mid-2021 until November 2024, organisations were able to verify at least 88 deaths. In 2024 alone, there were 5,615 requests for assistance and 1,555 individuals who were subjected to pushbacks reported, with a total of 3,183 pushbacks recorded. The practices at the border, especially the use of firearms, were criticised by the Council of Europe Commissioner for Human Rights. In April 2024, in *Sherov and others against Poland*, the ECtHR ruled that Poland had infringed upon articles 3 and 13 ECHR and Article 4 Protocol 4 through the pushback of a group towards Ukraine repeatedly. Domestic courts also repeatedly find the authorities' pushbacks practices to be unlawful, but this did not change practice in 2024 (see [Access to the territory and pushbacks](#)).
- ❖ **Criminalisation of humanitarian assistance:** court cases against aid workers continued in 2024, with charges brought against aid workers for 'facilitating unlawful residence in the Republic of Poland', among others. In another case, the court of Białystok ruled that the activists, who were considered to have violated the law forbidding access to a border zone, 'were motivated by compassion and a determination to help other people in difficult life-threatening conditions' and that 'there is no doubt that the defendants saved the health and lives of foreigners by their actions' (see [Access to the territory and pushbacks](#)).
- ❖ **'Instrumentalisation' introduced in law and suspension of asylum at the border:** the Law on Protection was amended and the changes introducing the term "instrumentalisation" of the procedure and allowing the government to temporarily suspend the asylum procedure at the Belarusian border entered into force on 26 March 2025. On 27 March 2025 on the basis of the regulation, the right to apply for international protection at the Belarusian border was suspended for 60 days. Immediately following this, in April 2025, the ECtHR granted several interim measures ordering not to send persons back to Belarus. At least one interim measure was ignored by the Polish Border Guard (see [Access to the territory and pushbacks](#)).
- ❖ **Statistics at the border:** According to the Border Guard statistics, 5,324 persons submitted an application at the Polish border crossing points placed at the EU external borders. Of the persons coming from Belarus who managed to submit an application for international protection, the majority did so at the Czeremcha border crossing (676 persons) and at the Terespol border crossing (594 persons). During the same time period (2024), at the Polish-Belarusian border, the Border Guard reported 22,600 prevented attempts of illegal border crossing. The number of formal refusals of entry on the border crossings with Belarus was 1,559. 11,687 people were

returned to Belarus on the basis of the Regulation on cross-border movement in 2024, while orders to leave Poland on the basis of the amended Law on Foreigners were issued towards 2,587 persons. Lastly, according to the Border Guards, after apprehension 8,300 persons decided to leave Poland to Belarus voluntarily without a decision on their entry (see [Access to the territory and pushbacks](#)).

- ❖ **Implementation of the new Pact on Asylum and Migration:** in April 2024 and February 2025, the Polish government and Polish Prime Minister respectively reiterated that Poland would not implement any element of the new Pact that would include mandatory quotas and relocations.
- ❖ **Length of first instance procedure and pending cases:** in 2024, the authority decided to prolong the examination on the basis of the Law on Protection in 2,933 cases (a significant increase from 991 in 2023), while 11,409 decisions were issued within the 6 months-time limit (7,431 in 2023), excluding accelerated procedures. The average processing time for a decision on the merits was 131 days in 2024. As of 31 December 2024, there were 6,939 persons whose cases were pending before the Office for Foreigners, compared to 3,766 in 2023. However, the number of applications in 2024 also increased significantly (17,020 in 2024 compared to 9,513 in 2023) (see [Regular procedure](#)).
- ❖ **Dublin procedure:** the Office for Foreigners stated that in 2024 requests for transfers were not sent neither to Italy nor to Greece (see [Dublin procedure](#)).
- ❖ **Return procedure:** contrary to 2023 (9 countries), as of 31 December 2024 according to the Border Guard, there is no list of countries to which no returns can be carried out (see [Return procedure](#)).
- ❖ **Identification of vulnerable applicants:** in 2024, NGOs continued to highlight the lack of an effective vulnerability identification system, due to the parameters and practice of the current mechanisms (see [Identification](#)).
- ❖ **Unaccompanied minors:** In 2024 the Commissioner for the Rights of the Child and Ombudsperson together called on the Polish Prime Minister to introduce amendments to the law, allowing for better protection of foreign children in Poland. The Ombudsperson and the Commissioner referred to the situation in 2024 with numerous interventions concerning unaccompanied minors crossing the border from Belarus. They reported cases where unaccompanied minors for many days were kept without a secured place in foster care, due to lack of capacity. They also called for amendments to the law, to introduce a more complex age examination process that would better take into consideration psychological and environmental elements. In 2024, there were 297 unaccompanied children (up from 292 in 2023) applying for international protection in Poland (see [Age assessment](#) and [Legal representation of unaccompanied minors](#)).

#### *Reception conditions*

- ❖ **Access to reception conditions:** The humanitarian crisis at the Polish-Belarusian border that started in August 2021 and continued in 2024 left many prospective asylum applicants without access to material reception conditions, including medical assistance. Deaths at the border continued in 2024. Many asylum seekers did not receive adequate medical assistance despite the fact that had experienced violence at the border, suffered injuries from crossing or falling from the border fence, or were in a state of extreme exhaustion. Moreover, in 2024, the ban on staying in specific areas of the border zone was reintroduced, which made it more difficult for non-governmental organisations to provide humanitarian and medical assistance at the border (see [Access to the territory and push backs](#) and [Reception Conditions](#)).

- ❖ **Education:** From 1 September 2024, schools can hire an intercultural assistant to support foreign pupils' contacts within the school environment and cooperation with their teachers and parents. However, this form of support is not popular for now (see [Access to education](#)).
- ❖ **Health care:** In 2024, medical assistance for asylum applicants was provided by the current provider of medical services. No changes were made compared to the previous year regarding the working hours and availability of medical staff (see [Health care](#)).
- ❖ **Special reception needs of vulnerable groups:** In 2024, finding placements in appropriate facilities for unaccompanied asylum-seeking children remained a challenge. There were cases where emergency shelters or youth care facilities for crisis situations refused to accept children brought in by the police or border guards during interventions. It also happened that children ended up in facilities that were not adapted to their specific needs (see [Special reception needs of vulnerable groups](#)).

#### *Detention of asylum seekers*

- ❖ **Detention of vulnerable applicants:** Children with families are still detained and the best interest of a child principle is commonly not taken into account in court proceedings; no identification system for victims of violence is in place, and victims of torture are still in practice placed in detention centres despite the binding regulations prohibiting detention in these cases (see [Detention of vulnerable applicants](#)).
- ❖ **Conditions in detention centres:** Psychological services are offered in detention centres only by specialists hired by the Border Guard, which often discourages persons in need from requesting support due to lack of trust (see [Conditions in detention facilities](#)).

#### *Content of international protection*

- ❖ **Long term residence:** Due to the length of proceedings, changes are planned regarding the submission of residence applications, including permanent residence permits and long-term EU resident permits. Applications would be required to be submitted exclusively in electronic form through a dedicated portal. Such changes may lead to digital exclusion for some third-country nationals who are unable to submit their applications electronically (see [Long-term residence](#)).
- ❖ **Housing:** In September 2024, UN Committee on Economic, Social, and Cultural Rights presented its Concluding observations on the seventh periodic review of Poland. The Committee expressed concern that the poverty rate remains relatively high among refugees. It was pointed out that refugees are particularly vulnerable to homelessness and landlord exploitation due to the lack of affordable homes (see [Housing](#)).

#### **Temporary protection**

The information given hereafter constitute a short summary of the Polish Report on Temporary Protection, for further information, see [Annex on Temporary Protection](#).

#### *Temporary protection procedure*

- ❖ **Extension of the temporary protection regime:** In May 2024, temporary protection for Ukrainian nationals and some of their family members was prolonged until 30 September 2025. It is valid until 4 March 2026 for other temporary protection beneficiaries.
- ❖ **Qualification:** Since 1 July 2024, minor unmarried children of Ukrainian nationals (or their spouses) are eligible for special temporary protection.

- ❖ **Registration:** Since the Special Law Amendment of 15 May 2024, registration for special temporary protection is more difficult due to the absolute travel document requirement and the obligation to register immediately upon arrival to Poland.

#### *Content of temporary protection*

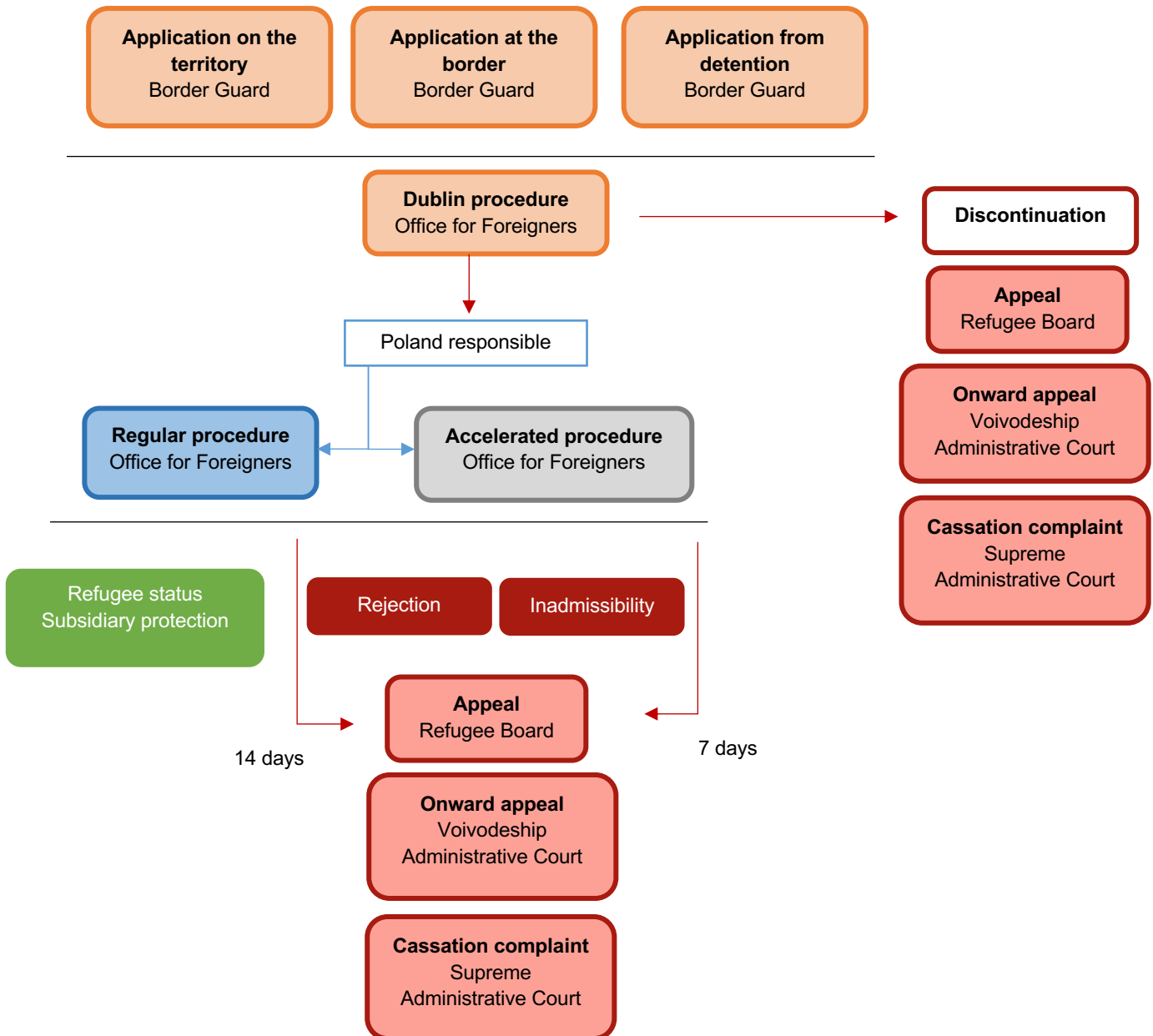
- ❖ **Access to asylum and other legal statuses:** The number of asylum applications of Ukrainian nationals significantly increased in 2024. In March 2025, the Office for Foreigners stated that many Ukrainian nationals treat asylum proceedings as a quick way to legalise their stay in Poland which constitutes in their view an abuse of the international protection system. Furthermore, the Office claimed that the security situation in Ukraine has improved since 2022. Accordingly, a more restrictive approach to Ukrainian applicants was announced.
- ❖ **Freedom of movement:** Movement and mobility of temporary protection beneficiaries continued to be hampered mostly due to the rule that temporary protection is withdrawn upon a 30-day absence in Poland and the unfavourable practices of the Polish Border Guard. Many temporary protection beneficiaries lost access to social benefits upon temporarily leaving Poland.
- ❖ **Access to education:** Since 1 September 2024, only Ukrainian pupils taking the matriculation exam in 2025 within the Ukrainian education system are exempted from the obligation to attend Polish schools.
- ❖ **Access to socio-economic rights:** The Special Law Amendment of 15 May 2024 introduced significant changes to socio-economic rights of temporary protection beneficiaries, including a shorter period to notify of their employment, repeal of the financial allowance for landlords and a one-time financial allowance for Ukrainian nationals upon their arrival to Poland, and making social welfare conditioned on attendance to Polish school.



# Asylum Procedure

## A. General

### 1. Flow chart



## 2. Types of procedures

### Indicators: Types of Procedures

1. Which types of procedures exist in your country?

- |   |   |  |
|---|---|--|
| ❖ Regular procedure:                    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Prioritised examination: <sup>3</sup> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ▪ Fast-track processing: <sup>4</sup>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure:                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Admissibility procedure:              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Border procedure:                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Accelerated procedure: <sup>5</sup>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

2. Are any of the procedures that are foreseen in the law, not being applied in practice?

- ☐ Yes ☒ No

## 3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (PL)
Application at the border	Border Guard	Straż Graniczna (SG)
Application on the territory	Border Guard	Straż Graniczna (SG)
Dublin (responsibility assessment)	Head of the Office for Foreigners	Szef Urzędu do Spraw Cudzoziemców
Refugee status determination	Head of the Office for Foreigners	Szef Urzędu do Spraw Cudzoziemców
First appeal	Refugee Board	Rada do Spraw Uchodźców
Onward appeal	❖ Voivodeship Administrative Court in Warsaw ❖ Supreme Administrative Court	❖ Wojewódzki Sąd Administracyjny w Warszawie ❖ Naczelny Sąd Administracyjny
Subsequent application (admissibility)	Head of the Office for Foreigners	Szef Urzędu do Spraw Cudzoziemców

## 4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Office for Foreigners	63 caseworkers, including supervisors, heads of departments	Ministry of Interior and Administration	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The Office for Foreigners (OFF) is the authority responsible for examining applications for international protection and is competent to take decisions at first instance. In 2024, there were 63 caseworkers<sup>6</sup> who were directly involved in examining applications for international protection, including caseworkers and their supervisors - heads of departments.

<sup>3</sup> For applications likely to be well-founded or made by vulnerable applicants.

<sup>4</sup> Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

<sup>5</sup> Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

<sup>6</sup> Information provided by the Office for Foreigners, 19 February 2025.

Caseworkers are trained in all aspects of the asylum procedure, in particular, drafting decisions and conducting interviews. The training is provided internally as well as through the European Union Agency for Asylum (EUAA). In addition, training for staff members conducted by UNHCR is envisaged, although there is no further information regarding the topics.

Specific training on interviewing vulnerable groups is provided by the psychologists and EUAA to staff members of the Department on Proceedings for International Protection immediately upon recruitment. In 2024, in addition to EUAA training on identification of vulnerable groups (50 caseworkers in 2024), caseworkers underwent training on interviewing techniques for minors conducted by the Foundation *Polskie Forum Migracyjne* and training on sexual orientation and identity conducted by UNHCR and SIP (45 caseworkers). Although there is no specialised unit for vulnerable groups within the OFF, according to the OFF only qualified and experienced staff members are allowed to decide on applications from persons with special needs. In 2023, the number of staff members handling cases of vulnerable applicants was 15, for 2024 no exact number was provided.<sup>7</sup> The Office only gave information about the number of staff that underwent training in 2024.

As regards the internal structure of the OFF, the Department on Proceedings in International Protection of the OFF is divided into three units handling regular procedures, while one unit is responsible for accelerated and inadmissibility procedures.

The Head of the Office for Foreigners is appointed by the Prime Minister, upon the request of the Ministry of Interior and Administration, among persons applying via open call.<sup>8</sup> There is no regular monitoring of the decisions, but in practice, caseworkers fill in a special questionnaire which is made available to the Heads of Units and Departments of the OFF to review their activities. There is no quality control mechanism after a decision has been issued by the OFF, however; monitoring can be conducted at any time by the responsible Ministry or the Supreme Chamber of Control (*Najwyższa Izba Kontroli*). According to the Office for Foreigners, the Ministry cannot be involved in any way in the decision-making process e.g. by issuing binding instructions or by intervening in specific individual cases. In high-profile cases, an intervention is however likely, according to NGO lawyers working on specific cases.

It should be further noted that another activity covered by the OFF is reception facilities for asylum applicants and beneficiaries of international protection. The OFF is thus responsible for the management of all the reception centres. While the OFF has delegated this responsibility to civil society organisations and private contractors, it monitors the situation in the centres through the Office's employees working in the centre and through inspections that are conducted twice per year (see [Housing](#)). Asylum applicants can present a complaint to the OFF regarding the situation in the centres.

## 5. Short overview of the asylum procedure

An asylum application may be lodged either on the territory (also or from a detention centre) or at the border. In all cases, a Border Guard (SG) officer is responsible for accepting and transferring the request to the Head of the Office for Foreigners.

**First instance:** The main asylum authority is the Head of the Office for Foreigners, which falls under the Ministry of Interior and Administration. It is an administrative authority specialised in asylum and is responsible for examining, granting, refusing and withdrawing protection, in Poland, as well as for Dublin procedures (see [Number of staff and Nature of the Determining Authority](#)). A Dublin procedure is applied whenever there is evidence or any sign that another State may be responsible for examining the claim.<sup>9</sup> However, Poland is principally a “receiving” country, rather than a country which requests and carries out transfers to other countries.

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<sup>7</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>8</sup> Article 17 of the Law on Foreigners.

<sup>9</sup> The Dublin procedure should be applied in every case: Article 36(1) Law on Protection.

In Poland a single procedure applies and includes the examination of conditions to grant refugee status and subsidiary protection. A regular asylum procedure, therefore, has four possible outcomes:

- ❖ The applicant is granted refugee status;
- ❖ The applicant is granted subsidiary protection;
- ❖ The application is rejected;
- ❖ The proceedings are discontinued e.g. when the applicant is no longer on the Polish territory.

The negative decision is not automatically accompanied by a return decision. In the two last cases, the determining authority informs the Border Guard about either one of these circumstances, subsequently allowing for return proceedings to be initiated.

Admissibility procedures are mostly applied in case of a subsequent application, considered to be based on the same circumstances. There is no border procedure.

**Appeal:** The Refugee Board is a second-instance administrative body competent to handle appeals against first-instance negative decisions in all types of procedures, including Dublin. Appeals before the Refugee Board have an automatic suspensive effect and must be lodged within 14 calendar days after the decision has been notified to the applicant; the only exemption to this is the appeal in the [accelerated procedure](#) which must be submitted in 7 days. The procedure is not adversarial and there is no hearing.

The Refugee Board may then:

1. Annul the first instance decision, in case it considers that essential information is lacking to decide on the appeal and further investigation by the Office for Foreigners is needed;
2. Overturn the Office for Foreigners' negative decision i.e. grant refugee status or subsidiary protection; or
3. Confirm the decision of the Office for Foreigners, which is most often the case.

After the administrative appeal procedure before the Refugee Board, there is a possibility of an onward appeal before the Voivodeship Administrative Court in Warsaw. Only points of law can be litigated at this stage. This onward appeal does not have a suspensive effect on the Refugee Board's decision. Upon request of the applicant, the court may suspend a decision for the time of the court proceedings, if its enforcement would cause irreversible harm. The court procedure is adversarial.

The ruling of the Voivodeship Administrative Court in Warsaw can be appealed to the Supreme Administrative Court by lodging a cassation complaint, based exclusively on the legal conditions foreseen in the law. The Court may suspend execution of the decision for the time of the court proceedings upon request.

There is also a different national protection status called 'asylum'.<sup>10</sup> A foreigner can be granted 'asylum' in a separate procedure if it is necessary to provide them with protection, but only if it is in the interest of the state. Political aspects are, therefore, taken into account in this procedure. Throughout the years, the procedure has been rarely applied (11 positive cases in 2024, 5 positive cases in 2023).<sup>11</sup>

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<sup>10</sup> Article 90 and next of the Law on Protection.

<sup>11</sup> Information provided by the Office for Foreigners, 19 February 2025.

## B. Access to the procedure and registration

### 1. Access to the territory and push backs

#### Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring in place? ☒ Yes ☐ No
3. If so, who is responsible for border monitoring? ☐ National authorities ☒ NGOs ☐ Other
4. If so, how often is border monitoring carried out? ☐ Regularly ☒ Rarely ☐ Never

In 2024 17,020 persons applied for international protection in Poland, out of which 14,571 were first time applicants.<sup>12</sup> According to the Border Guard statistics, 5,324 persons submitted an application at the Polish border crossing points placed at the EU external borders.<sup>13</sup> Excluding those who submitted applications at airports, there were 3,141 persons coming directly from the territory of Belarus, Russia or Ukraine.

**Polish-Ukrainian border:** The situation at the Polish-Ukrainian border crossing points has been subject to specific policies since the beginning of the conflict in Ukraine (see [Annex on Temporary Protection](#)).

**Polish-Belarus border:** for conciseness, only developments on 2024 are reported in this update. For details on the situation in previous years, see previous updates to this country report available [here](#).

Although the parliamentary elections were won by the opposition at the end of 2023 and some civil society organisations expected a change in the border policy at the Belarusian border, now, over a year later, they report that the new government has failed these expectations and the pushback practices have continued.<sup>14</sup>

In June 2024 the ban on entering the buffer zone – area close to the border was reintroduced. It has been prolonged several times, last time on 10 March 2025 for another 90 days.<sup>15</sup> With access to the Polish-Belarusian border restricted, civil society organisations called on the Polish government to address the ensuing humanitarian crisis, because the restriction prevents the provision of humanitarian assistance to people seeking international protection.<sup>16</sup>

In October 2024, the Council of Ministers adopted a new migration strategy for 2025- 2030, which, despite its non-binding nature, sets the government's political direction on migration issues, including asylum. It focuses on security issues and according to NGOs, the overall language of the document is political and anti-migrant in nature.<sup>17</sup>

Testimonies collected by civil society organisations for 2024 include reports on the use of verbal and physical violence by the Border Guard officers towards migrants seeking to access Polish territory, such as use of firearms. A recent report published by Oxfam and Egala, a grassroots organisation in Poland directly involved in providing assistance in the area near the border lists various forms of abuse faced by people trying to cross the border, highlighting that over the course of 2024 conditions at the border

<sup>12</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>13</sup> Information provided by the Border Guard, 7 March 2025.

<sup>14</sup> We are monitoring Society, *I want to stay in Poland*, 13 December 2024, available [here](#).

<sup>15</sup> Ordinance from 6 March 2025 introducing a temporary ban on staying in the Belarus border buffer zone, available in Polish [here](#).

<sup>16</sup> Norwegian Refugee Council, Poland: Urgent action needed for refugees trapped in Europe's 'death zone', 10 July 2024, available [here](#).

<sup>17</sup> Helsinki Foundation for Human Rights, 'Uwagi krytyczne Helsińskiej Fundacji Praw Człowieka do strategii migracyjnej', 15 November 2024, available in Polish [here](#).

continued to worsen – organisations report violence, including beatings and routine use of pepper spray.<sup>18</sup> The government supports further militarisation of the border area by authorising the use of firearms, a move criticised by NGOs.<sup>19</sup> From mid-2021 until November 2024, organisations operating at the border have been able to verify at least 88 deaths.<sup>20</sup> In 2024 alone, there were 5,615 requests for assistance and 1,555 individuals who were subjected to pushbacks reported, with a total of 3,183 pushbacks recorded.<sup>21</sup>

Médecins Sans Frontières (MSF) also confirmed that in 2022-2024, their doctors treated injuries and harm caused to migrants who were pushed back at the Belarusian border.<sup>22</sup> On 4 February 2025, MSF spoke before the Polish parliament, outlining what the medical staff have witnessed in over two years at the border.<sup>23</sup> From November 2022 to November 2024, MSF treated 442 people stranded in the wild forests at the Poland-Belarus border, 50% of whom were suffering from physical trauma related to violence. They had sustained injuries from beatings, dog bites and rubber bullets. MSF highlighted that as a result of restricting access to the buffer zone, a large portion of the area remains inaccessible for humanitarian and medical interventions, including by MSF.<sup>24</sup>

In September 2024 the Council of Europe Commissioner for Human Rights visited Poland after having sent two letters to the Polish authorities, in which the Commissioner expressed his concerns about the return practices on the Belarusian border, especially the use of firearms.<sup>25</sup> During the visit, the Commissioner also referred to the cases of criminalisation of persons involved in providing legal and humanitarian assistance on the border and called for any charges to be dropped.<sup>26</sup>

HFHR reported in 2024 on an ongoing case from 2022, when the aid workers were detained and charged with organising the unlawful crossing of the Polish-Belarusian border. After two years of proceedings, the prosecutor's office changed the charges brought against the activists. One person was accused of providing food and clothing to persons who crossed the Polish-Belarusian border, providing them with a shelter and allegedly providing them with information useful in case they were detained by Polish law enforcement authorities. The other four persons were accused of transporting members of a migrant family "far into the country", when in fact the distance was shorter than twenty kilometres from the border. According to the prosecution, the persons assisting met the statutory definition of the offence under Article 264a § 1 of the Penal Code, i.e. facilitating unlawful residence in the Republic of Poland. The prosecution claims that they acted intending to achieve a personal gain, not for themselves, but for the persons they were assisting. This offence is punishable by imprisonment of up to 5 years.<sup>27</sup> A second court hearing in the case took place on 15 April 2025.<sup>28</sup>

HFHR also reported a ruling from 2024 in another case in which the court in Białystok held that the activists who violated the law forbidding access to a border zone "were motivated by compassion and a determination to help other people in difficult life-threatening conditions" and that "there is no doubt that the defendants saved the health and lives of foreigners by their actions".<sup>29</sup>

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<sup>18</sup> Oxfam and Egala, *Brutal Barriers*, report, March 2025, available [here](#).

<sup>19</sup> HFHR, 'Negatywna opinia do zmian w zakresie używania środków przymusu bezpośredniego przez Straż Graniczną, Policję oraz żołnierzy Sił Zbrojnych', 1 July 2024, available in Polish [here](#).

<sup>20</sup> We Are Monitoring, 'Data Dashboard', 15 January 2025, available [here](#).

<sup>21</sup> Information provided to Oxfam by We Are Monitoring, January 2025; see Oxfam and Egala, *Brutal Barriers*, report, March 2025, available [here](#).

<sup>22</sup> Médecins Sans Frontières, *Death, Despair and Destitution. The Human Costs of EU's Migration Policies*, February 2024, report available [here](#), 29.

<sup>23</sup> Magdalena Chrzczonowicz, 'Fasadowe konsultacje'. Sejm wysłuchał organizacji ws. prawa do azylu. Ale zdania nie zmieni' (*OKO.press*, 4 February 2025), available in Polish [here](#).

<sup>24</sup> Médecins Sans Frontières, *Trapped between borders*, January 2025, available in PL [here](#).

<sup>25</sup> Council of Europe Commissioner for Human Rights, 'Poland: all laws and practices related to the situation on the border with Belarus should comply with human rights standards', 23 July 2024, available [here](#).

<sup>26</sup> Council of Europe Commissioner for Human Rights, 'Poland needs to respect its international human rights obligations on the Belarusian border, says Commissioner O'Flaherty', 23 September 2024, available [here](#).

<sup>27</sup> HFHR, 'I didn't think there was a law punishing the donation of food, drink, clothes and medicine to a person in need' - indictment against activists delivering humanitarian aid on the border 'I didn't think there was a law punishing the donation of food, drink, clothes and medicine to a person in need' - indictment against activists delivering humanitarian aid on the border', 14 May 2024, available [here](#).

<sup>28</sup> Information provided by Grupa Granica on facebook funpage, 15 April 2025.

<sup>29</sup> Judgement of the District Court in Białystok, 20 May 2024, ref. no. VIII Ka 131/24.



Crucially, the Law on Protection was amended and the changes introducing the term “instrumentalization” of the procedure and allowing the government to temporarily suspend the asylum procedure at the Belarusian border entered into force on 26 March 2025. On 27 March 2025 on the basis of the regulation, the right to apply for international protection at the Belarusian border was suspended for 60 days. According to the law of 21 February 2025, the suspension can be further prolonged.

### **International jurisprudence:**

On 4 April 2024 the ECtHR issued a judgement in the case *Sherov and others against Poland* (complaint no 54029/17 and other). The Court held that by not accepting applications for international protection from Tajik nationals in 2016-2017 and repeatedly sending them back to Ukraine, Poland infringed article 3 and 13 of the ECHR and article 4 of the Protocol no 4 to the Conventions. The Polish Border Guard were of the opinion that the foreigners’ reasons to enter Poland were of economic and personal nature.

The ECtHR have already issued judgements concerning pushbacks,<sup>30</sup> but the facts of the cases referred to the period before the crisis at the border in 2021. These cases have not been properly implemented by the authorities<sup>31</sup> and the situation of persons in need of international protection have only deteriorated since the facts of these cases took place.

On 12 February 2025, there was a hearing of the case *R.A. and Others v. Poland*, complaint no 42120/21, which refers directly to the crisis that started in 2021 at the Polish-Belarusian border and was followed by legislative amendments sanctioning pushbacks. Namely, the case concerns 32 Afghan nationals who fled after the Taliban took power. In August 2021, they crossed the Polish-Belarusian border irregularly and were immediately trapped in the border zone, unable to move forward because of Polish authorities and unable to return due to Belarusian forces blocking their way. Their requests for international protection were ignored, leaving them stranded without food, water, medical assistance, or shelter for weeks until they were forcibly pushed back to Belarus.<sup>32</sup> They maintain that they were eventually returned from Belarus to Afghanistan, where they currently reside.

The case was heard by the Grand Chamber of the ECtHR,<sup>33</sup> only one of ten cases against Poland ever examined by the Grand Chamber since Poland ratified the ECHR in 1993.<sup>34</sup>

The judgement delivered in this case will give direction in deciding in 30 other cases against Poland, Latvia and Lithuania concerning the situation of persons seeking protection at the border which are pending before the ECtHR.<sup>35</sup>

Already in April 2025, after the law limiting the right to apply for protection entered into force, the ECtHR granted interim measures in several cases, ordering not to send persons back to Belarus.<sup>36</sup> SIP reported a case of interim measure granted on 15 April 2025, which was not respected by the Polish Border Guard. SIP reported that the applicants tried to cross the border on the border crossing with Belarus holding the ECtHR interim measure issued in their case but were not let in.<sup>37</sup>

**Domestic jurisprudence:** Two legal amendments introduced in response to the crisis at the Belarusian border in 2021 have been questioned as a result of litigation before domestic courts, but remain in force as of March 2025. The first one is Regulation on cross-border movement,<sup>38</sup> authorizing the Border Guard

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<sup>30</sup> M. Łysienia, *Pushbacki w Polsce w ocenie Europejskiego Trybunału Praw Człowieka*, *Laboratorium Migracji*, 11 August 2023, available in Polish [here](#).

<sup>31</sup> Information about the expert meeting, 29 March 2024, available [here](#).

<sup>32</sup> SIP, ‘Sprawa R.A. i inni przeciwko Polsce – co jest stawką?’, 19 February 2025, available in Polish [here](#).

<sup>33</sup> ECtHR, ‘Grand Chamber hearings concerning Latvia, Lithuania and Poland’, 12 February 2025, available [here](#).

<sup>34</sup> SIP, ‘R.A. and Others v. Poland – What’s at Stake?’, 19 February 2025, available [here](#).

<sup>35</sup> HFHR, ‘Interweniuje przed ETPC w sprawach pushbacków na granicy z Białorusią’, 30 October 2024, available in Polish [here](#).

<sup>36</sup> SIP, ‘Zawieszenie prawa do azylu „na granicy białoruskiej”, czyli gdzie?’, 3 April 2025, available in Polish [here](#).

<sup>37</sup> SIP, ‘Polska nie zastosowała się do decyzji Trybunału w Strasburgu i zawróciła uchodźców do Białorusi’, 18 April 2025, available in Polish [here](#).

<sup>38</sup> Ordinance of the Minister of Internal Affairs and Administration of 20 August 2021 amending the Ordinance on Temporary Suspension or Restriction of Border Traffic at Certain Border Crossings (Journal of Laws 2021, item. 1536).

to turn back third-country nationals to the border line solely based on a verbal instruction and the Law on Foreigners as amended in October 2021 (specifically Article 303b of the Law on Foreigners)<sup>39</sup> which allows the Border Guard to issue immediately enforceable 'orders to leave the Republic of Poland' with regards to third-country nationals apprehended after the irregular border crossing.

It is important to note that according to HFHR, the basis upon which the Border Guard decides which procedure is applied in a given case are unclear, as it is often not possible to understand whether it was considered the person fell under the regime of the Ordinance (Regulation) or the amended Law on Foreigners (Article 303b).<sup>40</sup> However, according to a report realised by ECRE, in 2022 the Regulation was more frequently used in cases of persons apprehended after an irregular border crossing.<sup>41</sup>

According to HFHR all judgments issued by the Voivodeship Courts in 2022-2024 on pushbacks are coherent and confirm that the way of returning migrants to Belarus by the Polish Border Guard was unlawful, regardless of whether the return was based on the Regulation or on the Law on Foreigners.<sup>42</sup> These judgements were also described in the HFHR and SIP third party intervention in the case *R.A. and Others v. Poland* presented before the Grand Chamber of the ECtHR.<sup>43</sup>

Nevertheless, domestic case law appears to have had no influence on the practice of the relevant authorities, still in 2024.

**Official statistics:** Of the persons coming from Belarus who managed to submit an application for international protection in 2024, the majority did so at the Czeremcha border crossing (676 persons) and at the Terespol border crossing (594 persons). At the same time (2024), at the Polish-Belarusian border, the Border Guard reported 22,600 prevented attempts of illegal border crossing.<sup>44</sup> The number of formal refusals of entry on the border crossings with Belarus was 1,559. 11,687 were returned to Belarus on the basis of the Regulation on cross-border movement in 2024, while orders to leave Poland on the basis of the amended Law on Foreigners were issued towards 2,587 persons. Only 27 orders were appealed. According to the Border Guards, after apprehension 8,300 persons decided to leave Poland to Belarus voluntarily.<sup>45</sup> Such persons do not receive a decision on refusal or entry, or a return decision on the basis of the cross-border movement regulation decision, or an order to leave Poland on the basis of the Law of foreigners.

According to the recent HFHR's report on persons missing at the border, from August 2021 to March 2024, 116 deaths were documented on the eastern border of the European Union (in four countries: Belarus, Latvia, Lithuania and Poland).<sup>46</sup> The We Are Monitoring organisation which collects data and testimonies of migrants who experienced pushbacks, reports that between January and November 2024 there were 13,600 pushbacks (this number does not refer to the number of persons, since some are repeatedly subject to pushbacks).

**Border monitoring.** Official border monitoring is based on an agreement between UNHCR for Central Europe and the Border Guards Headquarters of 21 October 2009. The monitoring visits are to be conducted by the NGO Halina Niec Legal Aid Center and should, according to UNHCR, take place once a month. The reports from these visits are not publicly available. UNHCR indicated that its monitoring

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<sup>39</sup> Article 303b in conjunction with Article 303(1)9a of the Law on Foreigners, introduced by the Law of 14 October 2021 amending the Law on Foreigners and other Acts of Law (Journal of Laws 2021, item. 1918).

<sup>40</sup> HFHR, Legal brief on judgements in cases involving expedited returns of migrants to Belarus, December 2022, page 1, footnote 1, available (EN) [here](#).

<sup>41</sup> ECRE, Seeking refuge in Poland. A fact-finding report on access to asylum and reception conditions for asylum seekers, February 2023, page 11, available (EN) [here](#).

<sup>42</sup> See judgements of Voivodeship Administrative Court in Białystok, no II SA/Bk 71/24, II SA/Bk 72/24, II SA/Bk 145/23, II SA/Bk 244/23, no II SA/Bk 492/22, 493/22 and 494/22. Judgment of the Voivodeship Administrative Court in Warsaw no IV SA/Wa 420/22 of 26 April 2022, judgement no IV SA/Wa 471/22 of 27 April 2022, judgment no. IV SA/Wa 615/22 of 20 May 2022; judgment no IV SA/Wa 772/22 of 27 May 2022.

<sup>43</sup> See HFHR and SIP third party intervention in the case *R.A. and Others v. Poland*, available [here](#).

<sup>44</sup> This is not the number of persons, please note that some attempts are repeated.

<sup>45</sup> Information provided by the Border Guards, 7 March 2025.

<sup>46</sup> HFHR, *Disappearances on the Polish-Belarusian border. Pushbacks as a factor in enforced disappearances in Poland*, 2024, available [here](#).



activities are conducted at official border crossing points, Border Guard posts and registration centres along the Polish-Belarusian border.<sup>47</sup> The Border Guard confirmed that in 2024, UNHCR monitoring of border posts - especially on the external border - was performed regularly.<sup>48</sup> On the other hand, one of the recommendations of the Special Rapporteur to grant full access to the border area by Poland and Belarus to civil society organisations and independent monitoring mechanisms as “it is important to ensure that a strong and independent role is played by local civil society in both countries, as well as to allow international organisations to conduct in situ monitoring”<sup>49</sup> remained ignored and the situation actually worsened with the ban on entering the buffer zone reinstated in June 2024 (see supra). The situation at the border crossing point in Terespol after the ban on access to the border zone had been reintroduced was monitored by the Ombudsperson.<sup>50</sup> The Ombudsperson – together with the Ombudsperson for Children expressed concerns about the unaccompanied minors crossing the border (see [Representation of unaccompanied minors](#)).<sup>51</sup>

**Readmission agreements.** Poland signed the readmission agreements with the EU Member States (both bilateral and multilateral). There were no new agreements signed in 2024.<sup>52</sup> In 2024 421 persons were readmitted to Poland and 926 persons from Poland to other countries.<sup>53</sup>

Poland – readmission agreements with EU Member States			
I. Bilateral agreements			
I.I. with EU Member States within the Schengen zone			
No	Country	Date of signing	Date of entering into force
1.	Switzerland	19 September 2005	31 March 2006
2.	Spain	21 May 2002	23 June 2003
3.	Sweden	1 September 1998	9 April 1999
4.	Austria	10 June 2002	30 May 2005
5.	Czech Republic	10 May 1993	30 October 1993
6.	Greece	21 November 1994	5 May 1996
7.	Lithuania	13 July 1998	8 January 2000
8.	Latvia	29 March 2006	27 December 2007
9.	Slovakia	8 July 1993	12 November 1993
10.	Slovenia	28 August 1996	6 April 1998
11.	Hungary	25 November 1994	5 August 1995
I.II. with EU Member States outside the Schengen zone			
No	Country	Date of signing	Date of entry into force
1.	Ireland	12 May 2001	22 June 2002
2.	Bulgaria	24 August 1993	4 February 1994
3.	Croatia	8 November 1994	27 May 1995
4.	Romania	24 July 1993	19 January 1994

<sup>47</sup> ECRE, Seeking refuge in Poland. A fact-finding report on access to asylum and reception conditions for asylum seekers, February 2023, available (EN) [here](#) page 16.

<sup>48</sup> Information provided by the Border Guard, 7 March 2025.

<sup>49</sup> Visit to Poland - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, 21 April 2023, available (EN) [here](#).

<sup>50</sup> RPO, *Informacja o działalności Rzecznika Praw Obywatelskich październik – grudzień 2024 r.*, available in Polish [here](#).

<sup>51</sup> RPO, *Informacja o działalności Rzecznika Praw Obywatelskich październik – grudzień 2024 r.*, available in Polish [here](#).

<sup>52</sup> The Border Guard Headquarters' letter to HFHR, 21 March 2023.

<sup>53</sup> Information provided by the Border Guards, 7 March 2025.

II. Multilateral agreements			
No	Country	Date of signing	Date of entry into force
1. <sup>54</sup>	Belgium	29 March 1991	1 April 1991
	The Netherlands		
	Germany		
	France		
	Italy		
	Luxemburg		
	Switzerland		
2. <sup>55</sup>	Belgium	16 October 1980	1 December 1980
	Denmark		
	Spain		
	The Netherlands		
	Norway		
	Sweden		
	Czech Republic		
	Germany		By Poland – 19 May 2004
	Finland		
	Greece		
	Portugal		
	Italy		
	Romania		
	Luxemburg		For Poland – 1 June 2005
	United Kingdom		

## Legal access to the territory

There are no means (for example, in the form of corridors or resettlement or relocation) beyond [family reunification](#) to legally access the Polish territory for persons with protection needs.

The Polish government announced on 1 June 2023 that it will not cooperate with the mandatory migrant relocation scheme proposed in the EU Pact on Migration and Asylum.<sup>56</sup> In April 2024, the new government expressed its support for this position.<sup>57</sup> In February 2025, Polish Prime Minister Donald Tusk reiterated his opposition to the Pact on Migration and Asylum; stating his government would not implement the Pact if it involved mandatory migrant quotas.<sup>58</sup>

## 2. Preliminary checks of third country nationals upon arrival

### Indicators: Preliminary checks at the arrival point

- Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
- Is the person considered under law to have entered the territory during these checks? ☒ Yes ☐ No

A foreigner entering Poland has to fulfil the legal conditions of entry. During the preliminary check, the Border Guard – as the authority responsible for border control - verifies the following:<sup>59</sup>

- ❖ Identity and citizenship, including verification in the database;
- ❖ The authenticity of the travel document;
- ❖ Visa or stay permit if required;
- ❖ Relevant stamps in order to check if a foreigner did not exceed the time of permitted stay on the territory of the Member States;

<sup>54</sup> Agreement related to the readmission of persons in an irregular situation, Brussels, 29 March 1991.

<sup>55</sup> European agreement on transfer of responsibility for refugees, Strasbourg, 16 October 1980.

<sup>56</sup> Euractiv, Poland opposes EU Commission's migrant relocation scheme, 1 June 2023, available [here](#).

<sup>57</sup> Euractiv, Tusk vows to 'protect' Poland against EU migrant relocation, 11 April 2024, available [here](#).

<sup>58</sup> Jorge Liboreiro, 'Poland will not implement Migration Pact, Donald Tusk tells Ursula von der Leyen' (*Euronews*, 7 February 2025), available [here](#).

<sup>59</sup> This entire section is based on answers by the Border Guard answers expressed in a letter from 7 March 2025.

- ❖ The place of destination and planned stay;
- ❖ available financial resources and whether they correspond with the time and purpose of planned stay;
- ❖ Checking whether the person, transportation means or luggage constitute a threat to public order, internal security, health or international relations of any of the Member State, including verification in the SIS, Interpol and national database.

If there is a need for an additional check, the person is directed to a second-line border control.

All the elements of the preliminary check are applied systematically to all foreigners, irrespective of their country of origin, including those seeking international protection. Different rules are applicable towards: heads of states and their delegation, pilots, sailors, diplomatic passports holders, members of international organisations, transborder workers, minors, rescue teams, etc.

Generally, foreigners subject to a border check are considered under the jurisdiction of Poland. However, taking into consideration the specific conditions in which the check is conducted (including on the train, etc.), only a positive decision on entry results in enjoying all the rights and obligations related to stay on the territory of Poland. If the decision is negative, only a formal decision on refusal of entry is registered and can be appealed against. These decisions are not issued in case of every refusal.

There is no time limit within which the border check should be completed. During the border check, a foreigner should stay in the place where the control is conducted and cannot move freely until the final decision on entry is made, however this is not considered a detention regime under national law.

If a foreigner expresses a will to apply for international protection during the border check, they are directed to the second-line border control. The Border Guard is then obliged to follow the procedure set out in article 30 of the Law on Protection, which includes: collecting information needed to fill in the application form, ensuring assistance of the interpreter and medical assessment, photographing a person, informing about the rules of the proceedings, including Dublin proceedings, rights and obligations, legal aid, contact with UNHCR, reception conditions and centres (see [Information for asylum seekers and access to NGOs and UNHCR](#)).

### 3. Registration of the asylum application

#### Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No  
 ❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No  
 ❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☐ Yes ☒ No
5. Can an application be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

Applications for international protection should be submitted to the Border Guard (BG) who will then transfer them to the Head of the Office for Foreigners. The Head of the Office for Foreigners is competent to examine the application, so the BG cannot refuse to accept the application.

If the application is lodged at the border or in detention, the BG unit responsible for the border checkpoint or the detention facility is the authority competent to receive it. If the application is lodged on the territory, it can be submitted to any BG unit. There is also a possibility to declare an intention to apply for

international protection by post for i.e., elderly persons, persons with disabilities, pregnant women, and persons in hospitals or imprisoned.<sup>60</sup>

When applying for international protection, one has to submit their travel document (e.g., passport) to the BG. Travel documents are kept by the Head of the Office for Foreigners. Asylum applicants are issued a temporary ID document entitling them to stay on the territory of Poland, the Temporary Identity Certificate of a Foreigner (*Tymczasowe Zaświadczenie Tożsamości Cudzoziemca*). The document is initially valid for 90 days (10 days in the case of Dublin returnees). The document can be prolonged for 6 months (and every 6 months) by the Head of the Office for Foreigners until the end of the asylum procedure.<sup>61</sup>

The BG is entitled to inform an asylum seeker that it is impossible to lodge an application for international protection on the same day they present themselves to the BG unit. However, the BG must then set a date and place when the application will be accepted.<sup>62</sup> In such a situation (e.g., when there is a need to ensure that an interpreter is available), the intention to apply for protection is laid down in a protocol and registered. The Border Guard has 3 working days to ensure the application is lodged and registered (in case of a large number of applications, it is 10 working days). Decision on return cannot be executed during this time.<sup>63</sup>

According to official data, 2,664 declarations for international protection (involving 2,779 persons) were submitted in 2024, compared to 541 declarations covering 574 persons in 2023.<sup>64</sup> Unfortunately, the declarations are registered without any information on the legal grounds of the application and no further details were provided by the Border Guard about the declarations.

On 27 March 2025, the right to apply for international protection on the Belarusian border was suspended for 60 days.<sup>65</sup> This means that declarations to apply for international protection are also not registered. There are exceptions to these rules, which means that even during the suspension period, applications submitted by the following groups should be accepted by the Border Guard:<sup>66</sup>

- ❖ Unaccompanied minors,
- ❖ Pregnant women,
- ❖ Persons requiring special treatment taking into consideration their age or health,
- ❖ Persons subject to risk of serious harm in the country from which the person is coming,
- ❖ Nationals of Belarus.

Introducing a closed list of persons eligible to apply for asylum without establishing a procedure determining this status will be of little significance in the opinion of NGOs. Border Guard officers cannot be expected to reliably assess health or even determine the correct age without resorting to appropriate procedures and methods.<sup>67</sup>

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<sup>60</sup> Article 28(2) Law on Protection.

<sup>61</sup> Article 55(1) and (2) and Article 55a(2) Law on Protection amended by the act of 21 February 2025.

<sup>62</sup> Article 28(1) Law on Protection.

<sup>63</sup> Article 330(1)8 Law on Foreigners.

<sup>64</sup> Information provided by the Office for Foreigners, 7 March 2025 and 16 February 2024 by the Border Guards.

<sup>65</sup> Ordinance from 6 March 2025 introducing temporary ban on staying in a Belarus border buffer zone, available in Polish [here](#).

<sup>66</sup> Article 33b(2) Law on Protection.

<sup>67</sup> HFHR, *Input by civil society organisations to the Asylum Report 2025*, available [here](#).

## C. Procedures

### 1. Regular procedure

#### 1.1. General (scope, time limits)

##### Indicators: Regular Procedure: General

- |  |   |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance:     | 6 months  |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2024:  | 6,939   |
| 4. Average length of the first instance procedure in 2024:   | 131 days  |

The Head of the Office for Foreigners is a state authority which is responsible for issuing the first-instance decisions on granting and withdrawing protection status, deciding on the responsible state under the Dublin Regulation and social assistance provided in the asylum procedure. The Head of the Office for Foreigners is also a second-instance authority in residence permit procedures.

The time limit set in law for the Head of the Office for Foreigners to issue a decision on an asylum application is of 6 months.<sup>68</sup> This period can be prolonged to 15 months if: the case is of particular complexity; many asylum seekers are applying at the same time; the asylum seeker did not fulfil the obligation of presenting all the evidence and documents or attending the interview.<sup>69</sup> The case is considered of particular complexity when it requires several additional actions related to the credibility evaluation on the asylum claim (COI research, translation of documents submitted as evidence, approaching other authorities to establish identity, etc.).<sup>70</sup>

In 2024, the authority decided to prolong the examination on the basis of the Law on Protection in 2,933 cases (a significant increase from 991 in 2023), while the number of decisions issued within the 6 months-time limit was 11409 (7,431 in 2023), excluding accelerated procedures.<sup>71</sup> The Office stressed that there are no formal guidelines on what is considered as a complex and the decision in this regard is taken on an individual basis.<sup>72</sup>

In 2024, the average processing time for a decision on the merits was 131 days (120 in 2023). The longest processing time took 860 days (in comparison to 964 days in 2023) and the shortest time was 5 days.<sup>73</sup>

According to the law, if the decision is not issued within 6 months, the general provisions on the inaction of the administrative authority apply,<sup>74</sup> therefore the Head of the Office for Foreigners should inform the applicant in writing about the reasons for the delay and the applicant can submit a complaint to the second-instance authority. In practice, information about the reasons for the delay is provided in a very general way and complaints to the second-instance authority are rare. In case a decision on asylum application was not issued within the 6 months limit, the applicant can apply for a work permit on this basis (see [Access to the Labour Market](#)).<sup>75</sup> The Head of the Office for Foreigners then issues a certificate, which – together with a temporary ID – gives a right to work in Poland until the end of the procedure. The certificate is also valid for appeal proceedings and onward appeal court proceedings if the suspensive effect is granted.

<sup>68</sup> Article 34(1) Law on Protection.

<sup>69</sup> Article 34(2) Law on Protection.

<sup>70</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>71</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>72</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>73</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>74</sup> Articles 36-38 of the Code of Administrative Proceedings.

<sup>75</sup> Article 35 Law on Protection.

As of 31 December 2024, there were 6,939 persons whose cases were pending before the Office for Foreigners, compared to 3,766 in 2023.<sup>76</sup> However, the number of applications in 2024 also increased significantly (17,020 in 2024 compared to 9,513 in 2023).

In 2023, NGOs intervened in cases where the applicants were deprived full access to the files of their case, as the Country of Origin information (COI) consulted was not included in the files.<sup>77</sup> Therefore, the applicant could not review this information and provide comments before the decision was issued, as is set in the administrative law.<sup>78</sup> There were no such cases reported in 2024.

## 1.2. Prioritised examination and fast-track processing

There is no legal basis for prioritising certain types of cases. According to the Office for Foreigners in 2022, the Office made efforts to prioritise applications of Afghan nationals as they were considered manifestly well-founded. On the contrary, the Office also tried to prioritise issuing negative decisions towards the applicants from Iraq who crossed the border irregularly.<sup>79</sup> More recent information is not publicly available as of April 2025.

## 1.3. Personal interview

### Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
  - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☒ Frequently ☐ Rarely ☐ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
  - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

Personal interviews are conducted by the Office for Foreigners and are generally mandatory in a regular procedure, unless:

- ❖ A decision on granting refugee status can be issued based on evidence already gathered; or
- ❖ An applicant is not fit to be interviewed (e.g. due to health or psychological problems).<sup>80</sup>

The Office for Foreigners states it does not collect data on the number of interviews conducted. However, for 2024 the Office for Foreigners provided some numbers as an estimation. In 2024 there were between 1,008 and 1,316 interviews, while 484 interviews were called off for various reasons. In 2024 there were cases of cancelling the interview because the applicant was not fit for it. A psychologist was present during the interview in 139 cases in 2024, including those performed remotely.<sup>81</sup>

As a rule, interviews are conducted individually. The Office has confirmed however that there were cases in which mothers had their infant children with them during the interview. The officers conducting interviews are trained in the area of identification of vulnerable persons and when preparing for interview they consider the situation of a particular social group (e.g. women) in the country of origin (e.g. the risk

<sup>76</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.069.1.2024/RW, 16 February 2024.

<sup>77</sup> SIP, Cudzoziemcy(-mki) w procedurze uchodźczej nie mają pełnego dostępu do akt w swojej sprawie – interweniujemy, 11 August 2023, available [here](#).

<sup>78</sup> Article 10(1) of the Code of Administrative Proceedings

<sup>79</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.0656.3.2022/RW, 26 January 2022.

<sup>80</sup> Article 44(1) and (2) Law on Protection.

<sup>81</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.



of forced marriage).<sup>82</sup> However, NGOs have expressed numerous concerns regarding the functioning in practice of identification mechanisms (See [Identification of vulnerable applicants](#)).

All unaccompanied minors whose cases were examined in 2024 were heard during an interview.<sup>83</sup> In interviews with minors there is always their curator present, as well as a psychologist who presents an opinion afterwards. UAM can appoint a grown-up to be also present. The interviews are held in the place where the minor stays, not in the Office.<sup>84</sup>

### 1.3.1. Interpretation

Interpretation is ensured respectively by the Head of the Office for Foreigners (for the first instance proceedings) and the Refugee Board (for the appeal proceedings); i.e. they are responsible for securing interpretation and appointing interpreters. The interview should be conducted in a language understandable to the applicant. In the asylum application, the asylum applicant has to declare their mother tongue as well as any fluent knowledge of other languages. Applicants can further request the interviewer and/or interpreter to be of a specific gender.<sup>85</sup>

The contract established between the Office for Foreigners and interpretation services regulates quality, liability, and specifies the field (asylum). Interpretation is available in most of the languages spoken by asylum applicants in Poland. In 2024, the Office for Foreigners asked for interpretation in 1,551 cases. The Office for Foreigners reported that in 2024 there was a problem with approaching an interpreter for the following languages: Bajangi, Turkmen, Malayalam, Igbo.<sup>86</sup>

There is no training for interpreters and cultural mediators are not provided in individual interviews.

In 2024, a specific case highlighted how important access to interpretation is. The Refugee Board annulled the decision of the Office for Foreigners refusing international protection to an applicant when it was discovered that his statement submitted at the time of applying for protection was translated by the Border Guard using internet.<sup>87</sup>

### 1.3.2. Recording and report

Audio or video recording is possible under national legislation if an applicant was informed about this fact and technical means allow for it,<sup>88</sup> but this is not implemented in practice as there are no logistical arrangements in place to enable its use (no cases in 2024).<sup>89</sup> The law provides that a copy of the report (protocol) of the interview should be handed over to the applicant after a personal interview. In some cases, the applicants do not take or keep it, but they can ask for a copy at any stage of the proceedings.

The report is written in Polish and includes all questions and answers from the interview, but it's not an exact word-for-word transcript. After the interview, the report is read to the interviewee in a language they understand, and they are allowed to make any necessary corrections before signing it. In 2024 the reports from the interview were made on computer, except when the interview was conducted outside of Office for Foreigners (e.g. in foster care facilities), in which case they were hand-written.<sup>90</sup>

However, NGOs have expressed concern that there is a repeated issue with this method of recording interviews. Frequently, it is only after the interview that the applicant reviews the interview report with someone fluent in both Polish and their native language, and inconsistencies in their testimony are

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<sup>82</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.069.1.2024/RW, 19 February 2025.

<sup>83</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.069.1.2024/RW, 19 February 2025.

<sup>84</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.069.1.2024/RW, 19 February 2025.

<sup>85</sup> Article 44(4)2 of the Law on Protection.

<sup>86</sup> Letter from the Office for Foreigners, 19 February 2025.

<sup>87</sup> SIP, 'Brak tłumacza podstawą do uchylenia negatywnej decyzji ws. ochrony międzynarodowej', 10 August 2025, available [here](#).

<sup>88</sup> Article 44(5) of the Law on Protection.

<sup>89</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>90</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

discovered. However, any comments and clarifications made in the appeal or subsequent proceedings are generally not taken into account. It is very unlikely to successfully question the interview in the subsequent steps of the procedure. According to the Office for Foreigners, protocols are mainly prepared on the computer, not handwritten, except for interviews conducted outside the Office for Foreigners where there is no possibility to print the copy of the interview (prisons, foster care facilities).<sup>91</sup>

In 2024, remote interviews were conducted via the Webex, Polycom, ZOOM and Cisco Jabber applications. There is a possibility to ensure the presence of a psychologist for interviews conducted remotely.<sup>92</sup> In 2024 the Office for Foreigners reported that there were no cases where the applicant asked to have a face-to-face interview instead of a remote one. In fact, to the opposite, the applicants asked to have a remote interview instead of coming to the Office.<sup>93</sup>

## 1.4. Appeal

### Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?
 

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision in 2024: 142 days

### 1.4.1. Appeal before the Refugee Board

Decisions of the Head of the Office for Foreigners in the regular procedure can be appealed to the Refugee Board within 14 calendar days. The decision (without a justification) as well as guidance on how to appeal is translated into the language that the applicant for asylum had previously declared as understandable; the substantiation of the decision is not translated. The applicant can submit the appeal in their language.

The Refugee Board is an administrative body, consisting of twelve members, supported in their work by six employees, not involved in the decision-making process.<sup>94</sup> In the regular procedure, decisions are taken by three members. The procedure includes an assessment of the facts and there is a possibility of hearing applicants. The Head of the Office for Foreigners is not a party in these proceedings. The time limit set in law for the appeal procedure is 1 month.<sup>95</sup> The appeal has a suspensive effect.<sup>96</sup> Neither hearings nor decisions of the Refugee Board are made public.

In 2024, the average processing time for the Refugee Board to issue a decision in appeal proceedings was 142 days for the cases which finished in 2024. For cases submitted by Ukrainian nationals it was 87 days. The longest processing time in 2024 was of 335 days (in 2023 it was 1,624 days) and the shortest 1 day. There were no cases in 2024 where the Refugee Board decided to hear a witness and only 1 where it decided to hear the applicant (in 2023 no hearings at all).<sup>97</sup>

In 2024, appeals to the Refugee Board were submitted in the case of 1,375 applicants.<sup>98</sup> In 2024, the Refugee Board issued 980 decisions, affecting 1,576 persons.<sup>99</sup> As of 31 December 2023, there were 450 ongoing appeal cases before the Refugee Board.

<sup>91</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>92</sup> Letter from the Office for Foreigners to HFHR no BSZ.WKSI.069.1.2024/RW, 19 February 2025.

<sup>93</sup> Letter from the Office for Foreigners to HFHR, 19 February 2025.

<sup>94</sup> Information provided by the Refugee Board, 27 August 2015.

<sup>95</sup> Article 35(3) Code of Administrative Proceedings.

<sup>96</sup> Article 130(1) and (2) Code of Administrative Proceedings.

<sup>97</sup> Information provided by the Refugee Board, 6 February 2025.

<sup>98</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>99</sup> Information provided by the Refugee Board, 6 February 2025.



Proceedings before the Refugee Board can have the following outcomes:

- ❖ annulling the first instance decision and directing the proceedings back to the first instance (92 in 2024);
- ❖ overturning the decision and granting protection (cases of 17 applicants in 2024; 1 applicant was granted refugee status and 17 subsidiary protection);<sup>100</sup>
- ❖ upholding the first instance decision (1,027 applicants in 2024);<sup>101</sup>
- ❖ discontinuing the second instance proceedings (cases of 45 applicants in 2024).

The statistics clearly show that the chances of success of appeals are very low in practice.

NGOs point out that second instance proceedings conducted by this authority are often merely symbolic, and tend to unquestioningly uphold the conclusions made by the Head of the Office for Foreigners.<sup>102</sup>

When the negative decision or a decision on discontinuing the procedure for international protection is served (delivered), the person concerned has 30 days to leave Poland (unless they are in detention).<sup>103</sup> During these 30 days, their stay in Poland is considered legal.<sup>104</sup> Nevertheless, the Refugee Board also informs the Border Guard that the final negative decision on international protection has been served and the Border Guard are obliged to establish if there are legal grounds to initiate the return proceedings.<sup>105</sup>

#### 1.4.2. Onward appeal

After the administrative appeal procedure before the Refugee Board, the decision of the latter can be further appealed to the Voivodeship Administrative Court in **Warsaw** within 30 days, but only points of law can be litigated at this stage.<sup>106</sup> The case is revised *ex tunc*. There is no fee for the procedure. This onward appeal does not have a suspensive effect on a final administrative decision. However, asylum applicants can ask the court to suspend a decision for the time of the court proceedings, if the decision can cause irreversible harm. Therefore, a motion to grant suspensive effect has to be submitted together with the complaint.<sup>107</sup> The authority issuing the decision (in this case the Refugee Board) can also grant suspensive effect on their own decision *ex officio* or upon request.<sup>108</sup>

The court procedure is adversarial; both the Refugee Board and the asylum applicant are parties before the court. However, the court cannot decide on the merits (i.e. grant protection), but only annul the administrative decision or uphold it. The ruling of the Voivodeship Administrative Court in Warsaw can itself be appealed to the Supreme Administrative Court by lodging a cassation complaint, based exclusively on the legal conditions foreseen in the law, also accompanied by a request for suspension of the administrative decision.

The Law on Foreigners separates asylum proceedings and return proceedings, which means that a return decision is not issued within the asylum procedure. Return proceedings are started after the final administrative decision refusing international protection is served (delivered) to the person concerned (in the case of detainees; while in the case of applicants who are not detained, they have 30 days to leave the territory). However, under the current legal framework, the return proceedings may lead to a return decision being issued before the Voivodeship Administrative Court in Warsaw examines the appeal against the final administrative decision refusing protection to the applicant.

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<sup>100</sup> According to the information provided by the Office for Foreigners there were 2 applicants who were granted refugee status by the Refugee Board and 15 granted subsidiary protection.

<sup>101</sup> According to the information provided by the Office for Foreigners, the number of upheld decision was 1,033

<sup>102</sup> HFHR, *Input by civil society organisations to the EU Agency for Asylum Report 2023*, available in English (EN) [here](#), 13.

<sup>103</sup> Article 299(6)1b Law on Foreigners.

<sup>104</sup> Article 299(7) Law on Foreigners.

<sup>105</sup> Article 299(10) and (11) Law on Foreigners

<sup>106</sup> Regulated in the Law of 30 August 2002 on the proceedings before administrative courts, Journal of Laws 2012 pos. 270 (*ustawa z dnia 30 sierpnia 2002 r. Prawo o postępowaniu przed sądami administracyjnymi*, Dz.U. 2012, poz. 270).

<sup>107</sup> Article 61(3) of the Law on proceedings before administrative courts.

<sup>108</sup> Article 61(2)1 of the Law on the proceedings before administrative courts.

Since 2019, as a result of the judgement in the case C-181/16 *Sadikou Gnandi v. Belgium*, the Voivodeship Administrative generally suspends the enforcement of the negative decision on international protection based on Article 46(5) of the Procedure Directive. This measure was taken to ensure that the return decision is not enforced until the end of the Court proceedings on international protection.<sup>109</sup> This trend is applicable only with regard to the first application for international protection. In case of subsequent applications, if the application is deemed inadmissible, the Court refuses to grant suspensive effect to such a decision.<sup>110</sup> The Court refuses to grant suspensive effect also with regard to administrative decisions rejecting international protection, which means the applicant is not protected against return while their international protection decision is examined before the court for the first time.

Compliance with EU law of administrative court proceedings in Poland has come under question, especially in light of the CJEU's *Alekszj Torubarov v. Bevándorlási és Menekültügyi Hivatal* (C-556/17) ruling of 29 July 2019. The judgment states that the administrative court must have the authority to enforce final court judgments. These powers must include the possibility of issuing a judgment on the merits if a final judgment is not complied with in subsequent administrative proceedings. Yet, in Poland the law does not provide such a possibility – i.e. the administrative courts do not decide on the merits, do not take into account facts established during the administrative proceedings and cannot grant international protection.<sup>111</sup>

The administrative courts not only refrain from making decisions based on the substance of the case, but they also do not independently establish facts. Instead, they rely on the facts established during administrative proceedings. In 2022, the Supreme Administrative Court issued a ruling stating that, since national law does not grant sufficient authority to administrative courts to consider circumstances that have emerged after the administrative decision was made, the Procedures Directive has not been fully transposed. As a result, Article 46(3) of the Procedures Directive must be applied directly.<sup>112</sup> However, this ruling has not had significant impact on national practices.

According to the statistics of the Refugee Board, in 2024 there were 261 (compared to 320 in 2023) complaints submitted to the Voivodeship Administrative Court in Warsaw against all the decisions of the Refugee Board (i.e. decisions not only refusing protection). In 2024, the Voivodeship Administrative Court in Warsaw annulled the decision of the administrative authorities (either of the Refugee Board or both decisions of the first and second instance) in 41 cases (the same as in 2023), and dismissed the complaint in 167 cases (175 cases in 2023). The success rate in onward appeal has been similar throughout the years.

In 60 cases in 2024 (compared to 39 cases in 2023) cassation complaints to the Supreme Administrative Court were lodged by the applicants. The Supreme Administrative Court annulled the judgment of the Voivodeship Administrative Court as well as the administrative decision (solely of the Refugee Board or both instances) in 3 cases in 2024 (compared to 15 cases in 2023). In 34 cases in 2024 (68 cases in 2023), the cassation complaint was dismissed.<sup>113</sup>

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<sup>109</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020], available (PL) [here](#), 28.

<sup>110</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020], available (PL) [here](#) 28.

<sup>111</sup> P. Iżycki, *O merytorycznym orzekaniu sądów administracyjnych w świetle standardu europejskiego – refleksje na gruncie wyroku Trybunału Sprawiedliwości z 29.07.2019 r., C-556/17, Alekszj Torubarov przeciwko Bevándorlási és Menekültügyi Hivatal* [On Administrative Courts' Adjudication on the Merits of Cases in the Light of the European Standard: Reflections Concerning the Judgment of the Court of Justice of 29 July 2019, C-556/17, Alekszj Torubarov v Bevándorlási és Menekültügyi Hivatal], Europejski Przegląd Sądowy 4/2020, abstract available [here](#).

<sup>112</sup> Supreme Administrative Court, II OSK 1753/21, judgement of 5 July 2022, summary by SIP available [here](#).

<sup>113</sup> Information provided by the Refugee Board, 4 April 2023. This data may be not fully coherent because of delays in transferring information on judgements.

### 1.5. Legal assistance

**Indicators: Regular Procedure: Legal Assistance**

1. Do asylum applicants have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Does free legal assistance cover: ☐ Representation in interview ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Does free legal assistance cover: ☒ Representation in courts ☒ Legal advice

A State legal aid system was introduced in 2015 and it covers:

- ❖ Legal information, provided by the employees of the Office for Foreigners in cases concerning revocation of protection in the first instance; and
- ❖ Legal aid in the second instance is provided by advocates, legal counsellors and NGOs. It involves preparing an appeal and providing legal representation in the second instance in cases concerning:
  - refusal of refugee status or subsidiary protection
  - discontinuance of the procedure
  - refusal of reopening the procedure,
  - Dublin procedure,
  - inadmissibility of the application
  - revocation of protection status.<sup>114</sup>

In any type of decision mentioned above, issued by the first instance authority, the instruction on the right to free legal aid is included and is translated into the language understood by the applicant.<sup>115</sup>

The system is managed by the Head of the Office for Foreigners who contracts lawyers, legal counsellors and NGO lawyers. Legal aid is provided by legal counsellors, advocates and in 2024 3 NGOs: the Association for Legal Intervention (SIP), The Rule of Law Institute and the Halina Niec Legal Aid Centre.<sup>116</sup> For 2025 there are only 2 NGOs: SIP and the Rule of Law Institute. The list of legal counsellors and advocates who are available for 2025 is publicly available together with their contact details and is divided by the cities where they provide services.<sup>117</sup>

There is no specific training, but NGOs, in order to be put on the list, have to prove 2 years of experience in the provision of legal aid, as SIP reports in 2024.

According to the statistics sent by the Office for Foreigners in 2024, 170 persons were assisted by legal counsellors or advocates (compared to 35 in 2023) and 71 by NGO lawyers (compared to 241 in 2024); thus in 2024 applicants were more likely to be assisted by a legal counsellor or advocate instead of an NGO lawyer. Considering the low number of individuals benefiting from the legal aid system out of the total of 1,375 appeals in 2024,<sup>118</sup> it appears that the system has little impact on the effective provision of free legal aid to applicants.

In 2023, when drafting the law implementing the state legal aid system, the forecast of expenses for 7 years (2016-2022) were estimated for 13,473 million PLN, but the actual cost for this period was 1,473 million PLN. Bearing in mind the costs covered within this budget (legal fees, travel costs, cost of

114 Article 69c-69m Law on Protection.

115 Article 53(1) and 54e(1) Law on Protection.

116 The list of legal counsellors, advocates and NGOs is available on the OFF website [here](#).

117 The Office for Foreigners, cost free legal aid, list of service providers, available [here](#).

118 Information provided by the Office for Foreigners, 3 February 2022.

translation), the system was drafted to provide services in approximately 2,303 cases per year, while in fact the services were provided in 276 cases on average per year.<sup>119</sup>

The Association for Legal Intervention (SIP), one of the few NGOs providing legal aid within this system, is also of the opinion that assisting only in the second instance is not sufficient. Evidence considered to decide on the case's merits is mostly gathered in the first instance proceeding – that is when the applicants are interviewed, country of origin information is collected and witnesses can be heard, but in this phase of the proceedings free legal assistance is not provided (i.e. private lawyer can be arranged, but it means the applicant bears the costs). SIP provided examples of cases in which some evidence from the country of origin was presented in the appeal but was not taken into account by second instance authorities, who argued the applicants should have presented them at the first instance. The argument, that the applicant had not been advised by the lawyer on what evidence can be relevant to the procedure was not considered.<sup>120</sup>

There is also a separate free legal aid system for administrative court proceedings (onward appeal). Representation before administrative courts can be provided only by professional legal representatives (lawyers, legal counsellors). There is a general possibility to apply for a cost-free professional legal representation before these courts on the same rules that apply to Polish citizens (i.e. insufficient financial resources). There is a form, in Polish, available in the court or on the court's website (not in the offices of administrative authorities examining the claim), however as of 2024 applicants are not informed on this in the first instance decision. In 2024, the Voivodship Administrative Court in Warsaw (examining all the complaints against decisions regarding international protection) granted free legal assistance in all cases where such assistance was requested.<sup>121</sup>

For information on access to legal assistance in detention see the section on [Legal assistance in detention](#).

Before the system of legal aid was created in 2015, legal assistance had been provided by NGOs under the European Refugee Fund (ERF)-funded projects. Many NGOs, with qualified lawyers, continued to provide free legal assistance in the proceedings (including the first instance), but this assistance is not provided on a large scale nor is it stable, since it often depends on short-term funding within projects. Due to the lack of funding, NGOs generally lack resources and cannot assist applicants on a wider scale covering e.g. the presence of a lawyer during any interview. For example, the Halina Niec Legal Aid Centre reported for 2024 a staff of 17 lawyers working in 7 cities and having provided legal assistance to 13,131 persons, 12,516 refugees from Ukraine, but to only 615 persons seeking international protection.

In August 2021, many NGOs moved to the border zone to provide legal and humanitarian assistance there (see [Access to the territory and pushbacks](#)). The introduction of a state of emergency on 2 September 2021 limited this assistance. It is also worth noting that when the ECtHR extended interim measure in the case of *R.A. and others v. Poland* (application no. 42120/2), which was heard by the ECtHR Grand Chamber in February 2025, it requested that the Polish authorities allow the applicants' lawyers to establish the necessary contact with their clients. The ECtHR also indicated that, if the applicants are on Polish territory, they should not be sent to Belarus. Poland did not comply with the measure and provided the ECtHR with its position maintaining that, although it understands the humanitarian aspect of the Court's position, it cannot violate the integrity of the neighbouring country where the migrants are situated. Moreover, Poland suggested that the applicants' legal representatives go to the nearest border-crossing point in order 'to cross the Polish–Belarusian border in accordance with the law and, when on the territory of Belarus, go to the camp where the complainants are staying'.<sup>122</sup>

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<sup>119</sup> Monitoring wdrażania ustawowej pomocy prawnej, Seminar "Access to State-Funded Legal Assistance in Asylum and Return Procedures in Poland", 14 December 2023, UNHCR Warsaw Office.

<sup>120</sup> SIP, *Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2019 r.*, [Report SIP in action. The Rights of the foreigners in 2019.], available (in Polish) [here](#).

<sup>121</sup> Information from the Voivodeship Administrative Court, 6 February 2025.

<sup>122</sup> Fundamental Rights Agency, Migration: Key fundamental rights concern, Quarterly Bulletin 3, available (EN) [here](#).

The reintroduction of a ban on entry into the buffer zone near the Polish-Belarus border (see [Access to the territory and pushbacks](#)) certainly affected negatively the possibility of providing legal assistance to persons at the border. However, even before reintroducing the ban, pushbacks occurred so rapidly that legal representatives often did not have the chance to respond, e.g. by presenting their power of attorney, and only found out about the pushback afterwards.<sup>123</sup>

In 2024, the issue of foreigners' access to their established legal representatives was highlighted in the Ombudsperson's submission letter to the Chief Commander of Border Guards.<sup>124</sup> The Ombudsperson indicated that representatives of foreigners are not allowed to participate in proceedings conducted against their clients by Border Guards, nor are they delivered letters and decisions concerning them. Often this is due to the Border Guards questioning the validity of the powers of attorney provided, but there have also been cases where a representative was not allowed to participate in proceedings when the content and form of the power of attorney were not contested. Not allowing representatives to participate in proceedings and not serving them with the decisions or orders of the authority, results in not respecting the rights of the foreigner in the proceedings and limiting their access to the appeal procedure in case of pushback.<sup>125</sup>

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2024

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	295	111	<b>Total</b>	3,911	698
<b>"take charge"</b>	124	19	<b>"take charge"</b>	1,530	412
Germany	37	11	Germany	631	80
Lithuania	30	1	France	197	13
Spain	8	0	Norway	192	181
<b>"take back"</b>	171	92	<b>"take back"</b>	2,381	286
Germany	52	32	Germany	1,574	207
Latvia	19	19	The Netherlands	130	3
Romania	15	8	Belgium	207	15

Source: Office for Foreigners.

Outgoing Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests sent	Requests accepted
<b>"Take charge": Articles 8-17(2)</b>	124	80
Article 8 (minors)	3	1
Article 9 (family members granted protection)	2	0
Article 10 (family members pending determination)	10	10
Article 11 (family procedure)	1	1
Article 12 (visas and residence permits)	96	66
Article 13 (entry and/or remain)	1	0

<sup>123</sup> SIP, 'Current situation on the Polish-Belarusian border – statement by Grupa Granica', 11 July 2024, available [here](#).

<sup>124</sup> Ombudsperson, XI.543.423.2024.JK, 9 September 2024, available in Polish [here](#).

<sup>125</sup> HFHR, *Input by civil society organisations to the Asylum Report 2025*, available [here](#).

Article 14 (visa free entry)	2	1
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	9	1
<b>“Take back”: Article 18 and 20(5)</b>	171	114
Article 18 (1) (b)	105	40
Article 18 (1) (c)	9	29
Article 18 (1) (d)	57	42
Article 20(5)	0	3

Source: Office for Foreigners.

Incoming Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests received	Requests accepted
<b>“Take charge”: Articles 8-17</b>	1,530	1,258
Article 8 (minors)	1	0
Article 9 (family members granted protection)	3	0
Article 10 (family members pending determination)	5	0
Article 11 (family procedure)	20	3
Article 12 (visas and residence permits)	1,313	1,221
Article 13 (entry and/or remain)	173	33
Article 14 (visa free entry)	6	0
“Take charge”: Article 16	2	0
“Take charge” humanitarian clause: Article 17(2)	7	1
<b>“Take back”: Articles 18 and 20(5)</b>	2,381	2,058
Article 18 (1) (b)	2,339	897
Article 18 (1) (c)	7	1,066
Article 18 (1) (d)	30	95
Article 20(5)	5	0

Source: Office for Foreigners

As the statistics show, Poland is mainly a country receiving Dublin requests from other countries. The most frequent case is when an applicant has his application under examination in Poland and made another application in another Member State (or stays there without a residence document).

## 2.2. Procedure

### Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?  
☒ Yes   ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?  
several days – up to 2 weeks<sup>126</sup>

The Head of the Office for Foreigners is responsible for Dublin procedures and the Border Guard is responsible for transfers.<sup>127</sup> All asylum applicants over the age of 14 are fingerprinted and checked in Eurodac at the time of lodging their asylum application. In all cases, the Head of the Office for Foreigners

<sup>126</sup> Information provided by the Border Guard, 13 January 2023.

<sup>127</sup> Article 36(2) Law on Protection.



applies the Dublin procedure.<sup>128</sup> The CJEU's ruling in *Mengesteab*,<sup>129</sup> which allows Member States to implement the Dublin procedure from the time of registration before the submission of an application, has not altered the practice of the Office for Foreigners. The Office still initiates the Dublin procedure from the time when the application is submitted.

According to the Office for Foreigners, if the authorities decide to apply the Dublin procedure, asylum applicants are informed about it. They are also informed about the following steps of the procedure e.g. decision received from another Member State, or the need to submit additional documents.

### 2.1.1. Individualised guarantees

The Office for Foreigners responded, that in 2024 Italy and Greece were the countries to which the requests for transfers were not sent.<sup>130</sup>

### 2.1.2. Transfers

According to the Border Guard, the transfer is organised within days from the moment the decision on transfer becomes final, bearing in mind the time in which other states expect to be informed about the transfer in advance and depending on the availability of plane tickets, etc.<sup>131</sup>

Asylum applicants are transferred under escort only when there is a risk of absconding or if they have already absconded before. According to the Office for Foreigners, it concerns applicants staying in detention, but there are also cases where applicants staying outside the detention centres were transferred under escort.

There is also a legal basis for detention in Dublin outgoing procedures, based on the risk of absconding (see the section on [Grounds for Detention](#)).<sup>132</sup> The Border Guard reported that in 2024, 113 persons were transferred from detention centres under the Dublin procedure. No information about the legal grounds for detention was provided.<sup>133</sup>

## 2.3. Personal interview

There is no separate interview where an applicant's case falls under the Dublin Regulation. Additional questions for the Dublin procedure form an integral part of the asylum application form.<sup>134</sup>

## 2.4. Appeal

#### Indicators: Dublin: Appeal

☒ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☐ Judicial

☒ Yes

☐ No

☒ Administrative

☐ No

Asylum seekers can appeal against decisions taken in the Dublin procedure to the Refugee Board (and then to the Voivodeship Administrative Court in Warsaw and the Supreme Administrative Court) within 14 days following the same procedure described in the section on appeals in the [Regular Procedure: Appeal](#).

<sup>128</sup> The Dublin procedure should be applied in every case: Article 36(1) Law on Protection.

<sup>129</sup> CJEU, Case C-670/16, *Tsegezaab Mengesteab v. Bundesrepublik Deutschland* (GC), Judgment of 26 July 2017.

<sup>130</sup> Information from the Office for Foreigners, 19 February 2025.

<sup>131</sup> Information provided by the Border Guard, 13 January 2023.

<sup>132</sup> Article 398(1)(3a) Law on Foreigners.

<sup>133</sup> Information provided by the Border Guard, 7 March 2025.

<sup>134</sup> Regulation on the application form (see table on legislation).

The average time for the appeal procedure in Dublin cases in 2024 was 73 days (up from 58 days in 2023). In 2024, the Refugee Board issued 25 decisions (also 25 in 2023) in Dublin proceedings (covering 29 persons), with only 1 decision overturning the decision of the first instance authority, affecting 1 foreigner.<sup>135</sup>

## 2.5. Legal assistance

### Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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  - ❖ Does free legal assistance cover:
 

<input type="checkbox"/> Representation in interview	<input checked="" type="checkbox"/> Legal advice
--	--
2. Do asylum applicants have access to free legal assistance on appeal against a Dublin decision in practice?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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  - ❖ Does free legal assistance cover
 

<input checked="" type="checkbox"/> Representation in courts	<input checked="" type="checkbox"/> Legal advice
--	--

Free legal assistance is offered as described in the section on [Regular Procedure: Legal Assistance](#). State legal aid covers preparing an appeal and representation in the second instance.<sup>136</sup>

## 2.6. Suspension of transfers

### Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

If yes, to which country or countries? N/A

In 2024, Dublin transfer requests were submitted to all countries except **Italy** and **Greece**.<sup>137</sup>

## 2.7. The situation of Dublin returnees

There are concerns about whether, under the provisions of the Polish law, Dublin returnees are always entitled to re-opening their first proceedings on international protection. The time limit to reopen the procedure, set out in the Law on Protection, is 9 months. Contrary to Article 18(2) of the Dublin III Regulation, in cases where e.g. the applicant did not wait for examination of their asylum claim in Poland but went to another Member State and did not come back to Poland within 9 months, the case will not be evaluated under the regular “in-merit” procedure. Their application lodged after this deadline will instead be considered as a subsequent application and subject to an admissibility procedure.<sup>138</sup> Moreover, if a person left Poland when their application was processed by the appeal authority and the procedure was discontinued by the Refugee Board, there is no possibility of reopening the procedure, even within the 9-month time limit.<sup>139</sup> Again, in such a situation, the application of the returnee will not re-open the first proceedings and will be considered as a subsequent application.

Moreover, HFHR reports, that even in a situation when a returnee is entitled to re-open their first procedure, the Border Guards in the detention centres for foreigners make them lodge the subsequent application instead, which is then subject to the admissibility procedure.<sup>140</sup> Usually, the second application, based on the same facts as the first one, would be declared inadmissible. Domestic law provides no exception in that respect to the Dublin returnees. Such a situation could therefore violate Article 18(2) of

<sup>135</sup> Information provided by the Refugee Board, February 2025. .

<sup>136</sup> Article 69e Law on Protection.

<sup>137</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>138</sup> Article 40(6) Law on Protection.

<sup>139</sup> Information provided by the Refugee Board on 12 January 2023, DOB.WR.1510.1.2023.

<sup>140</sup> HFHR, Input by civil society organisations to the EU Agency for Asylum Report 2023, available (EN) [here](#), page 6.



the Dublin III Regulation. The inability to continue the first asylum procedure also means that the Dublin returnees who had already spent the maximum period of 6 months in detention before having left Poland, could be again placed in detention centres after their transfer. In such cases, the summary detention period exceeds 6 months.<sup>141</sup>

These findings are supported by the statistics presented by the Office for Foreigners. In 2024, there were 3,408 decisions discontinuing international protection applications.<sup>142</sup> The vast majority of these decisions were issued because the applicant withdrew the application, but not in an explicit way, mostly they left the reception centre and did not come back within 7 days (2,297 cases out of 3,408). Other cases included circumstances like: the applicant did not reach the reception centre within 2 days after lodging an application for international protection or did not arrive to the interview, or left Poland.<sup>143</sup> In 2024, the Office registered 216 requests to reopen the procedure, lodged within the 9 months-time limit and issued 28 decisions considering the application admissible. There is no information on the number of requests lodged after the 9 months-time limit, 2,449 persons lodged subsequent applications in 2024. In the cases of 669 persons, the Office for Foreigners considered the subsequent application inadmissible.<sup>144</sup>

In 2023, the Provincial Administrative Court in Warsaw specified that the fact that the migrant had left Poland did not relieve the authorities of their duties to consider whether there were grounds for granting a residence permit for humanitarian reasons in the return proceedings case, which might have relevant effects on the cases of Dublin returnees.<sup>145</sup>

### 3. Admissibility procedure

#### 3.1. General (scope, criteria, time limits)

An admissibility procedure is provided for in the national legislation.<sup>146</sup> The Head of the Office for Foreigners is the authority responsible for deciding on admissibility. If an asylum application is deemed inadmissible, the Head of the Office for Foreigners issues a decision on the inadmissibility of the application.<sup>147</sup>

An asylum application is considered inadmissible under the following exhaustive grounds:

- a. Another Member State has granted international protection to the applicant;
- b. A third country can be considered a [First Country of Asylum](#) with regard to the applicant;
- c. The applicant submitted a [subsequent application](#) after receiving a final decision, based on the same circumstances;
- d. A spouse of an applicant lodged a new asylum application after the applicant received a final decision and when the spouse's case was part of an application made on their behalf and there are no facts justifying a separate application of the spouse.<sup>148</sup>

The application is considered inadmissible if there is a first country of asylum where the applicant is treated as a refugee and can enjoy protection there or is protected against *refoulement* in any other way.<sup>149</sup>

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<sup>141</sup> Ibidem, page 7.

<sup>142</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>143</sup> Article 40(2) Law on Protection.

<sup>144</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>145</sup> SIP, Provincial Administrative Court (WSA): prerequisites for a humanitarian residence permit should be examined even if the migrant is outside Poland, 13 February 2024, available [here](#).

<sup>146</sup> Article 38 Law on Protection.

<sup>147</sup> Article 38(4) Law on Protection.

<sup>148</sup> Article 38 Law on Protection.

<sup>149</sup> Article 38 Law on Protection.

The Office for Foreigners delivered the following inadmissibility decisions in 2024:

Inadmissibility decisions: 2024	
Ground for inadmissibility	Number of persons
Subsequent application	639
Application by dependent (spouse)	15
International protection in another Member State	15
First country of asylum	1
<b>Total</b>	<b>669</b>

Source: Office for Foreigners.

There are no specific time limits that must be observed by the Head of the Office for Foreigners in this procedure, so the rules governing regular procedures are applicable; the general deadline is 6 months. There is no data on whether the time limits for taking a decision on inadmissibility are respected in practice.

### 3.2. Personal interview

#### Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

- Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure?
 

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are questions limited to identity, nationality, travel route?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
- Are interviews conducted through video conferencing?
 

<input type="checkbox"/> Frequently	<input checked="" type="checkbox"/> Rarely	<input type="checkbox"/> Never
-------------------------------------	--	--------------------------------

The rules concerning personal interviews are the same as in the [Regular Procedure: Personal Interview](#). 18 interviews were held in admissibility procedures in 2024, all concerning subsequent applications.<sup>150</sup> The admissibility procedures depend greatly on whether the case requires a detailed interview, as in the regular procedure, or whether it focuses only on specific issues (e.g. new circumstances).

SIP reported a case, where despite the fact the applicant brought up new, significant circumstances in the subsequent application, no interview was conducted by the Office for Foreigners. Both administrative authorities and the Voivodeship Administrative Court in Warsaw claimed that the obligation to conduct an interview was fulfilled in previous proceedings and there is no need to repeat it.<sup>151</sup>

### 3.3. Appeal

#### Indicators: Admissibility Procedure: Appeal

☒ Same as regular procedure

- Does the law provide for an appeal against the decision in the admissibility procedure?
 

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it	<input type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Generally, the appeal system in the admissibility procedure does not differ from the one in the [Regular Procedure: Appeal](#), as for the proceedings before the Refugee Board. The deadline for the appeal is 14 days. As for the onward appeal before the Voivodeship Administrative Court in Warsaw, the complaint to the court is generally not granted a suspensive effect and therefore does not withhold return proceedings.

<sup>150</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>151</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2021 r. [Report SIP in action. Rights of foreigners in Poland in 2021], available (PL) [here](#), page 34.

### 3.4. Legal assistance

#### Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?  
☐ Yes ☒ With difficulty ☐ No  
❖ Does free legal assistance cover: ☐ Representation in interview ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an admissibility decision in practice?  
☐ Yes ☒ With difficulty ☐ No  
❖ Does free legal assistance cover: ☒ Representation in courts ☒ Legal advice

Free legal assistance is offered under the same conditions as described in the section on [Regular Procedure: Legal Assistance](#). State legal aid covers preparing an appeal and representation in the second instance.<sup>152</sup>

## 4. Border procedure (border and transit zones)

### 4.1. General (scope, time limits)

There is no border asylum procedure in Poland. Moreover, on 27 March 2025, the right to apply for international protection on the Belarusian border was suspended for 60 days (can be prolonged).<sup>153</sup> For detailed information, see [Access to the territory and pushbacks](#).

## 5. Accelerated procedure

### 5.1. General (scope, grounds for accelerated procedures, time limits)

The application for international protection is subject to an accelerated procedure if the applicant:<sup>154</sup>

1. Provides other reasons for applying for asylum than a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or a risk of serious harm; or did not provide any information on circumstances referring to the well-founded fear of persecutions or risk of serious harm);
2. Misleads the authority by withholding or presenting false information or documents which are important in an asylum procedure;
3. Makes inconsistent, contradictory, improbable or insufficient explanations of the persecution they are fleeing from, which are clearly inconsistent with the country of origin information (COI);
4. Submits an application to delay or frustrate enforcement of a return decision;
5. Is a threat to national security or public order or was, on this ground, already expelled from the territory.

<sup>152</sup> Article 69e(1)d Law on Protection.

<sup>153</sup> Ordinance from 6 March 2025 introducing temporary ban on staying in a Belarus border buffer zone, available in Polish [here](#).

<sup>154</sup> Article 39 of the Law on Protection.

The statistics obtained from the Office for Foreigners show that in 2024, 44 applications were channelled in the accelerated procedure. These concerned the following grounds:

Applicants whose applications were channelled in the accelerated procedure: 2022-2024			
Grounds	2022	2023	2024
Reasons unrelated to grounds for international protection	40	23	27
Misleading authorities by withholding or presenting false information or documents	0	0	0
Inconsistent, contradictory, improbable or insufficient statements	23	16	17
Application solely to delay or frustrate return	7	1	5
Threat to national security or public order	1	1	0

Source: Office for Foreigners.

The Head of the Office for Foreigners should issue a decision in the accelerated procedure within 30 calendar days. If a decision cannot be issued within 30 calendar days, the Head of the Office for Foreigners has to inform the applicant about the reasons for the delay and the date when a decision will be issued.<sup>155</sup> There are no consequences if this time limit is not respected. In 2024, the average time for processing applications in the accelerated procedure was 101 days.<sup>156</sup> In 2024, just like in 2023, no decision in this procedure was issued within 30 days deadline.

## 5.2. Personal interview

### Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the accelerated procedure? ☐ Yes ☒ No

❖ If so, are questions limited to nationality, identity, travel route?

☐ Yes ☒ No

❖ If so, are interpreters available in practice, for interviews?

☒ Yes ☐ No

2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The interview in the accelerated procedure is conducted according to the same rules as in the regular procedure (see [Regular Procedure: Personal Interview](#)).<sup>157</sup> There is no information on the number of cases in which the interview takes place – The Office for Foreigners does not collect data on this topic. The interview does not differ from the one in a regular procedure – it is in the same form and the same rules apply.<sup>158</sup>

<sup>155</sup> Article 39(2) of the Law on Protection and the articles 36-38 Code of Administrative Proceedings.

<sup>156</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>157</sup> Article 44 Law on Protection.

<sup>158</sup> Information provided by the Office for Foreigners, 19 February 2025.

### 5.3. Appeal

#### Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
- |                            |   |   |
|----------------------------|---|---|
| ❖ If yes, is it            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                                       |
| ❖ If yes, is it suspensive | <input type="checkbox"/> Judicial       | <input checked="" type="checkbox"/> Administrative                |
|                            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Some grounds <input type="checkbox"/> No |

The appeal system is broadly the same in the accelerated procedure as in the regular procedure. However, there are two important differences:

- (1) The time limit to lodge an appeal is 7 calendar days instead of 14;<sup>159</sup>
- (2) Decisions on the appeal in this procedure are issued by only one member of the Refugee Board, instead of three as in the regular procedure.<sup>160</sup>

### 5.4. Legal assistance

#### Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
- |                              |   |                             |
|------------------------------|---|-----------------------------|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> With difficulty | <input type="checkbox"/> No |
|------------------------------|---|-----------------------------|
- ❖ Does free legal assistance cover:
- |  |
|--|
| <input type="checkbox"/> Representation in interview |
| <input checked="" type="checkbox"/> Legal advice     |
2. Do asylum applicants have access to free legal assistance on appeal against a decision in practice?
- |                              |   |                             |
|------------------------------|---|-----------------------------|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> With difficulty | <input type="checkbox"/> No |
|------------------------------|---|-----------------------------|
- ❖ Does free legal assistance cover
- |  |
|--|
| <input checked="" type="checkbox"/> Representation in courts |
| <input checked="" type="checkbox"/> Legal advice             |

Free legal assistance is offered in the same context described in the section on [Regular Procedure: Legal Assistance](#). State legal aid covers preparing an appeal and representation in the second instance.<sup>161</sup>

## 6. National protection statuses and return procedure

### 6.1. National forms of protection

The oldest form of protection in Poland is 'asylum'. A foreigner may be granted asylum, if it is necessary to protect them and the interest of the Republic of Poland requires so.<sup>162</sup> This is a separate procedure and requires an explicit application for asylum. Due to its political nature, it is the least used type of protection (11 positive cases in 2024, 5 positive cases in 2023).<sup>163</sup> The institution of asylum is a unique form of protection because the foreigner can submit a relevant application while staying outside the territory of the Republic of Poland and then obtain a visa to attend the procedure. The responsible authority is the Office for Foreigners. The asylum procedure does not in any way suspend the return or permits for legalising temporary stay of a foreigner in Poland for the duration of the procedure. The foreigner being the subject of this specific asylum procedure may submit an application for international protection or another form of legitimising their stay.

The permit for humanitarian stay and the permit for tolerated stay are forms of protection which complement the international protection system, i.e. refugee status and subsidiary protection. A foreigner may be granted such a permit once the proceedings on granting international protection are concluded

<sup>159</sup> Article 39(2)(3) Law on Protection.

<sup>160</sup> Article 39(2) Law on Protection.

<sup>161</sup> Article 69e Law on Protection.

<sup>162</sup> Article 90 of the Law on Protection.

<sup>163</sup> Information provided by the Office for Foreigners, 19 February 2025.

negatively. It is not possible to submit a separate application for a permit based on humanitarian reasons or tolerated stay. Both permits are granted in return proceedings ex officio or upon the request of certain authorities. The responsible authority is the Commander of the Border Guard Unit/Outpost; the Head of the Office for Foreigners act as a second instance.

Permit for humanitarian stay should be granted to a foreigner if their obligation to return:

1. Can be exercised solely to a state in which, within the meaning of the ECHR:
  - a. Their right to life, freedom and personal security might be threatened, or;
  - b. They could be subjected to torture or inhumane or degrading treatment or punishment, or;
  - c. They could be subjected to forced labour, or;
  - d. They could be deprived of the right to a fair trial or
2. Would violate their right to family or private life within the meaning of the ECHR or
3. Would violate the rights of the child, as defined in the Convention on the Rights of the Child, in a manner which may represent a serious threat to their psychophysical development.<sup>164</sup>

In practice, authorisation to stay for humanitarian reasons is most often granted to individuals who lead a family life in Poland, whose children are significantly integrated into the Polish society, attend a Polish school and their expulsion would negatively impact their mental and physical state.<sup>165</sup> In 2024, 50 out of 55 foreigners were granted permit for stay for humanitarian reasons on the basis of these circumstances.<sup>166</sup>

Permit for stay for humanitarian reasons is refused if there are substantial grounds to believe that:

1. They have committed a crime against peace, a war crime or a crime against humanity within the meaning of the international law; or
2. They are guilty of acts contrary to the purposes and principles of the United Nations set out in the Preamble and Article 1 and 2 of the Charter of the United Nations; or
3. They have committed a crime within the territory of the Republic of Poland or committed an act outside this territory that is a crime under the Polish law; or
4. They represent a threat to national security or defence, the protection of public order and safety, or
5. They have instigated or otherwise participated in the perpetration of crimes or offences referred to in point 1–3.

Furthermore, a foreigner who, prior to arriving in the territory of the Republic of Poland, has committed an act other than the ones specified in points 1–3 that is an offence under the Polish law and is punishable by imprisonment, may be refused authorisation to stay for humanitarian reasons if they left the country of origin for the sole purpose of avoiding punishment.<sup>167</sup>

Legal conditions to grant permit for tolerated stay partially overlap with those listed above. That is because the permit for tolerated stay granted if a return obligation for a foreigner:

1. can be exercised solely to a state in which within the meaning of the ECHR:
  - a. their right to life, freedom and personal security might be threatened, or
  - b. they could be subject to torture or inhumane or degrading treatment or punishment, or
  - c. they could be subject to forced labour, or
  - d. they could be deprived of the right to fair trial or be punished without a legal basis – if there are reasons for refusing the issuance of a permit for stay for humanitarian reasons.<sup>168</sup>

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<sup>164</sup> Article 348 of the Law on Foreigners.

<sup>165</sup> European Migration Network, *National forms of protection Non-EU harmonised national forms of foreigner protection in Poland*, 2019, available [here](#), 20.

<sup>166</sup> i.e. on the basis of Article 348(2). Information provided by the Office for Foreigners, 19 February 2025.

<sup>167</sup> Article 349 of the Law on Foreigners.

<sup>168</sup> Article 351(1) of the Law on Foreigners.

2. The second group of legal conditions for granting permit for tolerated stay refer to returns that are not feasible for reasons beyond the control of the authority responsible for the forced execution of the decision on obliging a foreigner to return, and beyond the control of the foreigner, or can be effected only to a country to which expulsion is inadmissible under a ruling of a court of law or because of a decision of the Minister of Justice on the refusal to expel a foreigner.<sup>169</sup> Foreigners granted tolerated stay permit for the latter reasons are placed on the list of foreigners whose stay within the territory of the Republic of Poland is undesired.

In practice, a permit for tolerated stay is issued to foreigners when there is no actual or legal possibility of obliging them to return.<sup>170</sup> In 2024, there were 5 permits for tolerated stay issued in both instances (while the number of persons towards which decision on return was issued in 2024 was 11994).<sup>171</sup> What makes it different from authorising the stay for humanitarian reasons is that in the case of a permit for tolerated stay, foreigners' rights were set at a minimum level and they need to periodically report their place of residence to the Border Guards.<sup>172</sup>

Summary of the rights of persons benefiting from 'asylum', a permit for stay for humanitarian reasons or a permit for tolerated stay			
	Asylum	Permit for stay for humanitarian reasons	Permit for tolerated stay
Document issued	Permanent residence permit, a card for 10 years, renewable	Residence permit for 2 years, renewable	the document "permit for tolerated stay" (not a residence document), valid for 2 years, confirms identity but not citizenship, does not entitle to cross the border
Polish travel document for foreigners	Entitled to obtain	Entitled to obtain	Not entitled to obtain
Access to integration programme	Not entitled	Not entitled	Not entitled
Access to housing	No special housing, entitled to social or communal housing as Polish citizens	No special housing, entitled to social or communal housing as Polish citizens	No special housing, entitled to social or communal housing as Polish citizens
Access to healthcare	Entitled as every foreigner legally residing	Entitled as every foreigner legally residing	Entitled as every foreigner legally residing
Access to education	Entitled as every minor	Entitled as every minor	Entitled as every minor
Access to family reunification	Entitled to request a temporary residence permit for a family member	Entitled to request a temporary residence permit for a family member	Not entitled
Access to labour market	Entitled to work, no additional permit	Entitled to work, no additional permit	Entitled to work, no additional permit

## 6.2. Return procedure

As of 31 December 2024, according to the Border Guard, there is no list of countries to which returns are not carried out.<sup>173</sup> In 2023 countries to which no returns are carried out were the following: **Syria, Eritrea,**

<sup>169</sup> Article 351(2) and (3) of the Law on Foreigners.

<sup>170</sup> European Migration Network, *National forms of protection Non-EU harmonised national forms of foreigner protection in Poland*, 2019, available [here](#), 23.

<sup>171</sup> Information provided by the Office for Foreigners and the latter by the Border Guard.

<sup>172</sup> Article 358 of the Law on Foreigners.

<sup>173</sup> Information provided by the Border Guards, 7 March 2025.



**Afghanistan, Yemen, Somalia, Palestine, Ethiopia, Sudan and Ukraine** (for more on returns of Ukrainian nationals, see [Annex on temporary protection](#)).<sup>174</sup>

## D. Guarantees for vulnerable groups

### 1. Identification

#### Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants?  
☐ Yes    ☒ For certain categories    ☐ No  
❖ If for certain categories, specify which: See below
2. Does the law provide for an identification mechanism for unaccompanied children?  
☒ Yes    ☐ No

Applicants who need special treatment are defined in particular as:<sup>175</sup>

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| ❖ Minors;                       | ❖ Seriously ill;                      |
| ❖ Disabled people;              | ❖ Persons with mental disorders;      |
| ❖ Elderly people;               | ❖ Victims of torture;                 |
| ❖ Pregnant women;               | ❖ Victims of violence (psychological, |
| ❖ Single parents;               | physical including sexual).           |
| ❖ Victims of human trafficking; |                                       |

#### 1.1. Screening of vulnerability

Identification of vulnerable applicants is conducted by the Border Guard while registering the application for international protection and by the Office for Foreigners. Identification is also conducted by the Border Guard for detained international protection applicants (see [Detention of vulnerable applicants](#)).

The Head of the Office for Foreigners is obliged to assess whether these persons need special treatment in the proceedings regarding granting international protection or social assistance. To make this assessment, the authority can arrange for a medical or psychological examination of the applicant, funded by the state. In case the Head of the Office for Foreigners does not arrange for the medical or psychological examination, it is obliged to inform the person that might require special treatment that they can arrange for such an examination themselves and bear the costs. If a person does not agree to be subjected to medical or psychological examination, they should be considered as a person that does not require special treatment. The Head of the Office for Foreigners should make the assessment immediately after the submission of the application for international protection and at any other time until the procedure is finished, in case any new circumstances arise.<sup>176</sup>

Since 2017, in Biala Podlaska, near the reception centre, there has been a separate medical unit where initial verification of asylum applicants' health is conducted. Both the procedure and medical unit are called "epidemiological filter".<sup>177</sup> The Office for Foreigners has stated that as of 16 June 2019, every asylum applicant in the reception centre who undergoes the mandatory epidemiological filter procedure will also undergo a vulnerability screening. This is envisaged in the contract for health services for asylum applicants from 4 June 2019.<sup>178</sup>

Overall, NGOs confirm that the system of identification envisaged in the law does not work in practice, still in 2024. Persons who experienced violence, especially torture survivors, are expected to present evidence they hardly can obtain. At the same time, the authorities seldomly decide to ask for an expert

<sup>174</sup> Information provided by the Border Guard, 18 March 2024.

<sup>175</sup> Article 68(1) Law on Protection.

<sup>176</sup> Article 68(3)-(6) Law on Protection.

<sup>177</sup> Epidemiological filter was realised under the Swiss Polish Cooperation Programme, see [here](#).

<sup>178</sup> Information provided by the Office for Foreigners on 9 April 2020.



opinion as a part of the procedure.<sup>179</sup> In one of the cases reported by SIP, both authorities at first and second instance claimed that the tortures that the applicant experienced had not been proven by medical examination. The applicant concerned had been transferred to Poland on the basis of the Dublin Regulation and was in possession of an opinion from a psychologist from the sending country confirming that they had been subjected to torture, that was ignored. In another case the authorities also ignored the fact that the applicant had been victim of torture, despite the visible signs of violence on their body. When submitting a subsequent application, the applicant presented a confirmation from the psychiatrist that she suffered from PTSD and a confirmation of visible signs of violence on their body. This evidence was dismissed and the application was considered inadmissible for presenting no new circumstances or evidence.<sup>180</sup> In 2021, the Supreme Administrative Court ruled on the case of an applicant who was a victim of torture in his country of origin. The administrative authorities did not accept as evidence the documents provided by the applicant and thus the Court annulled the decisions.<sup>181</sup> The Court also stressed that the authorities ignored the psychological opinion, in which it had been certified that the applicant had problems with memory and concentration and that he had been diagnosed with PTSD. The Court also highlighted that in the case file, there was no opinion of psychologist taking part in the interview.

Identification of vulnerable applicants is also conducted by the Border Guard while registering the application for international protection (the Border Guard assesses whether an applicant may belong to one of these two groups: victims of trafficking in human beings or persons subject to torture).<sup>182</sup> With regard to victims of trafficking in human beings, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) after its 2023 evaluation on Poland suggested enabling specialised NGOs to have regular access to facilities for asylum seekers and administrative detention centres for migrants (see also [Special reception needs of vulnerable groups](#)).<sup>183</sup>

In March 2025 the Ombudsperson asked the Border Guard Headquarters whether the Border Guard officers are trained to deal with identification of persons subjected to violence, especially sexual violence and whether there are any procedures in place to identify persons at the border.<sup>184</sup> The Ombudsperson had previously asked about this to the Border Guard Commanders in two regional divisions, but they stressed that the Border Guard is not an authority responsible for prosecuting sexual offences. This may mean the Border Guard have limited possibility to properly identify victims of violence especially at the border. When applying to the court to place an applicant in detention, the Border Guard is also obliged to identify victims of violence and other persons for whom detention will cause a threat to life or health. For this purpose, the Border Guard has implemented an algorithm, criticised by the Commissioner for Human Rights and NGOs (see [Detention of vulnerable applicants](#)).

The Office for Foreigners does not collect statistics on the number of asylum seekers identified as vulnerable, which was confirmed during the UN CAT report on Poland in 2019.<sup>185</sup> According to a study for 2019, published in 2020, in which the Office for Foreigners representatives were interviewed, the largest group are individuals who were subject to physical or psychological violence.<sup>186</sup> However, for this report, the Office for Foreigners reported that in the fourth quarter of 2019, there were 274 asylum seekers identified as requiring special treatment, and only 1 person was identified as a victim of violence.<sup>187</sup> In 2023 and 2024, the Office responded that there were no statistics in this regard.

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<sup>179</sup> SIP, Raport z działalności Stowarzyszenia Interwencji Prawnej w 2022 roku, available [here](#) 22.

<sup>180</sup> Ibidem.

<sup>181</sup> The Supreme Administrative Court judgement, II OSK 373/21, see: Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2021 r. [Report SIP in action. Rights of foreigners in Poland in 2021], available (PL) [here](#), 29-30.

<sup>182</sup> Ordinance of 5 November 2015 on the asylum application form (Rozporządzenie Ministra Spraw Wewnętrznych z dnia 5 listopada 2015 r. w sprawie wzoru formularza wniosku o udzielenie ochrony międzynarodowej), available (in Polish) [here](#).

<sup>183</sup> GRETA, Evaluation Report Poland – Third Evaluation Round, 9 June 2023, available [here](#).

<sup>184</sup> Ombudsperson, XI.543.99.2025.MB, 27 March 2025, available in Polish [here](#).

<sup>185</sup> OHCHR, Committee against Torture concludes its consideration on the report of Poland, 24 July 2019, available [here](#).

<sup>186</sup> Pachocka, M. and Sobczak-Szelc K., 'Refugee Protection Poland – Country Report', Multilevel Governance of Mass Migration in Europe and Beyond Project (Horizon2020), January 2020, available [here](#), 69.

<sup>187</sup> Information provided by the Office for Foreigners on 9 April 2020.

According to the Office for Foreigners, identification of vulnerable applicants takes place also during regular psychological counselling, available in every reception centre and at the Office for Foreigners (see [Health Care](#)).<sup>188</sup>

## 1.2. Age assessment of unaccompanied children

Polish law provides for an identification mechanism for unaccompanied children.<sup>189</sup> An asylum applicant who claims to be a child, in case of any doubts as to their age, may have to undergo medical examinations – with their consent or with the consent of their legal representative – to determine their actual age. There are no additional criteria set in law.

In case of lack of consent, the applicant is considered an adult. The results of the medical examination should contain the information if an asylum applicant is an adult. In case of any doubts, the applicant is considered a minor.<sup>190</sup> Undertaking a medical examination is triggered by the authorities and shall be ensured by the Border Guards.<sup>191</sup> The law states that examination should be done in a manner respecting the dignity and using the least invasive technique.<sup>192</sup>

The age assessment methods used in 2024 as reported by the Border Guard regional divisions were mostly X-ray of the wrist or dental examination.<sup>193</sup>

In practice, applicants are subject to age assessment although there are no justified grounds to suspect that the applicant is not a child. There are reports that the Border Guards qualifies an unaccompanied minor whenever they do not have a passport.<sup>194</sup> Also, the Border Guard decides who will establish the age of the minor and mostly it is a single specialist who does not take into account all other aspects of child development (e.g. a dentist who focuses solely on dental examination or radiologist who performs solely X-ray examination of the wrist). HFHR reported that in some cases, the examination is not preceded by any interview with the person concerned.<sup>195</sup>

National Prevention Mechanism also critically assessed the age assessment procedure in the Polish law, which is strictly medical and does not take into account psychological, developmental or environmental factors.<sup>196</sup> The consequences of wrongful age assessment can amount to detention of a child applying for international protection, which otherwise would not be detained (see: Detention of children).

In 2024 the Ombudsperson and the Commissioner for the Rights of the Child called on the Polish Prime Minister to amend the law, so that the age examination process is more complex and takes into consideration psychological and environmental aspects.<sup>197</sup>

In 2023, SIP managed to successfully question before the court the outcome of age assessment of a Somali girl. The age assessment was based on X-ray of wrist, although she was in possession of a birth certificate from the country of origin confirming she was a minor. As a result of an incorrect age

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<sup>188</sup> Information provided by the Office for Foreigners, 1 February 2018.

<sup>189</sup> Article 32 Law on Protection.

<sup>190</sup> Article 32(5) Law on Protection.

<sup>191</sup> Article 32 Law on Protection.

<sup>192</sup> Article 32(4) Law on Protection.

<sup>193</sup> E.g. letter of the Regional Division of the Border Guards in Krosno Odrzańskie, no NO-OI-II.0180.3.2025 from 25 February 2025.

<sup>194</sup> M.Poszytek, dr n. med. M. Sługocki, *Metody oceny wieku chronologicznego w postępowaniach z udziałem cudzoziemców*, HFHR, December 2023, available (PL) [here](#), 7-8.

<sup>195</sup> Ibidem.

<sup>196</sup> The Commissioner for Human Rights, Report on the situation of foreigners in detention centres during the crisis on Polish-Belarusian border, [*Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi. Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*], June 2022 available in Polish [here](#).

<sup>197</sup> Ombudsperson for Children, 'RPD i RPO wspólnie apelują do premiera. Chodzi o migrujące dzieci bez opieki', 5 November 2024, available in Polish [here](#).

assessment, the girl had spent 4 months in detention – unlawfully.<sup>198</sup> According to SIP, method of age assessment used in this case is outdated, not taking into account the differences in body build of people from other parts of the world.<sup>199</sup>

## 2. Special procedural guarantees

### Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☐ Yes ☒ For certain categories ☐ No

- ❖ If for certain categories, specify which: Minors; Disabled people; Elderly people; Pregnant women; Single parents; Victims of human trafficking; Seriously ill; People with mental disorders; Victims of torture; Victims of violence (psychological, physical, including sexual).a

### 2.1. Adequate support during the interview

As mentioned in the section on [Identification](#), the Head of the Office is obliged to assess whether a person belonging to one of the groups enumerated in the law needs special procedural guarantees. Once the person is considered as requiring special treatment, all actions in the proceedings regarding granting international protection are performed under the following conditions:

- ❖ Ensuring freedom of speech, in a manner adjusted to their psychophysical condition;
- ❖ On the dates adjusted to their psychophysical condition, taking into account the time in which they benefit from the health care services;
- ❖ In the foreigner's place of stay, in case it is justified by their health condition;
- ❖ In the presence of a psychologist, medical doctor or interpreter, in case there is such a need.

Upon the request of the applicant considered requiring special treatment, in cases justified by their needs, the actions in the proceedings regarding granting international protection are performed by a person of the same gender, and in the presence of a psychologist, medical doctor or an interpreter, of a gender indicated by the foreigner.<sup>200</sup>

The Head of the Office also ensures that the interview is conducted by a person trained in the techniques of hearing such persons and in using the country of origin information.<sup>201</sup> The Office for Foreigners does not have a specialised unit dealing with vulnerable groups, however, caseworkers are trained by psychologists and EUAA experts and only trained staff can work on these cases.<sup>202</sup> In 2024, there were 50 such caseworkers.<sup>203</sup>

In the past years (2020-2024), NGOs have been voicing their concerns regarding inadequate identification of vulnerable applicants, which leads to vulnerable individuals not receiving, receive sufficient support during the asylum procedure.

In its 2023 report, SIP provided information on the case of a female applicant who informed the authorities about being a victim of sexual violence and, despite having submitted a request for an interview with a presence of a psychologist, she was interviewed without a psychologist.<sup>204</sup> According to SIP, when it comes to victims of violence, such a procedural shortcoming can have a serious influence on the outcome of the procedure. In the report for 2020, SIP stressed that psychologists present during interviews did not prepare opinions which would pay attention to the fact that the interviewee was a victim of violence and how this may affect their statements.<sup>205</sup> SIP intervened in a case concerning an applicant who was a victim

<sup>198</sup> SIP, Mamy wpływ! Podsumowanie najważniejszych działań SIP w 2023 r., report summarising activities in 2023, [here](#), 6.

<sup>199</sup> Ibidem.

<sup>200</sup> Article 69 Law on Protection.

<sup>201</sup> Article 44(4)(1) Law on Protection.

<sup>202</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>203</sup> Information provided by the OF, 19 February 2025.

<sup>204</sup> Available [here](#), 21

<sup>205</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020], p. 13, available (PL) [here](#).

of torture in his country of origin. The administrative authorities did not accept as evidence the documents provided by the applicant and this was the reason the Supreme Administrative Court annulled the decisions.<sup>206</sup> The Court also stressed that the authorities ignored psychological opinion, in which it had been certified that the applicant had problems with memory and concentration and that he had been diagnosed with PTSD. The Court also highlighted that in the case filed, there was no opinion of a psychologist taking part in the interview.

## 2.2. Exemption from special procedures

The law does not exclude the application of the accelerated procedure to vulnerable applicants (apart from some restrictions concerning unaccompanied children, where it is only allowed to examine their application in an accelerated procedure where they pose a threat to national security).<sup>207</sup> In 2024 and 2023, the Office responded that there were no statistics in that regard.

## 3. Use of medical reports

### Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☐ Yes ☐ In some cases ☒ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☐ Yes ☒ No

The law provides that a medical or psychological examination can be conducted to assess whether a person needs special treatment with regard to procedural safeguards and reception.<sup>208</sup> There is no medical examination to confirm past persecution or serious harm.

NGOs report that the Office for Foreigners does not, as a rule, require opinions from experts to determine, for example, based on the presence of scars and wounds, if an applicant has been a torture victim.<sup>209</sup> This makes it difficult for individuals in need of protection to prove that they have been victims of torture in their country of origin. Third-country nationals frequently reach Poland presenting visible signs of torture. In such cases, ordering an examination by an expert could help acquire reliable evidence that a person experienced violence.<sup>210</sup>

After conducting visits to all detention centres in Poland in 2022, the Commissioner for Human Rights concluded, that personnel in detention centres, including psychologists, is not properly prepared to identify victims of torture and inhuman treatment and do not know the Istanbul Protocol or do not use it in practice.<sup>211</sup>

<sup>206</sup> The Supreme Administrative Court judgement, II OSK 373/21, see: Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2021 r. [Report SIP in action. Rights of foreigners in Poland in 2021], page 29-30. available (PL) [here](#).

<sup>207</sup> Article 63a Law on Protection.

<sup>208</sup> Article 68 Law on Protection.

<sup>209</sup> M.Jaźwińska, Postępowanie w przedmiocie udzielenia ochrony międzynarodowej, [in] Stowarzyszenie Interwencji Prawnej (SIP), SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 r. (2019), page 20. available (in Polish) [here](#).

<sup>210</sup> Ibidem, page 20.

<sup>211</sup> The Commissioner for Human Rights, Report on the situation of foreigners in detention centres during the crisis on Polish-Belarussian border, [Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi. Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur], June 2022, page 40, available (PL) [here](#).

## 4. Legal representation of unaccompanied children

### Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes

☐ No

The Law on Protection provides for the appointment of a legal representative to an unaccompanied child - a special guardian (*kurator*).<sup>212</sup> There are no exceptions; each child has to have a legal representative and all unaccompanied children get one in practice. The Head of the Office for Foreigners or the BG immediately lodges the request to the district custodial court. The court appoints the legal representative. Under the law, the deadline for appointing the guardian is 3 days. There is no information on compliance with this rule in practice. One guardian is appointed for the following proceedings: international protection, Dublin procedure, social assistance, and voluntary return.

There is no special requirement in the Law on Protection for being eligible as a representative of an unaccompanied child for an asylum procedure: the representative should be an adult and have legal capacity. No training is required. There are no limits on the maximum number of unaccompanied children that a representative can be in charge of at the same time.

Under the law, only the person who undertakes procedural acts in the proceedings granting international protection to an unaccompanied minor should fulfil certain conditions.<sup>213</sup> No remuneration is provided to legal representatives. In practice, in the last years, there were problems arising from the insufficient numbers of trained legal representatives for unaccompanied children. NGO personnel and students of legal clinics at universities are appointed as guardians. The legal representative should be present during the interview, together with a psychologist, and may ask questions and make comments.<sup>214</sup>

The Border Guard reports that since December 2015, they use a list of NGO workers who declared their willingness to be a representative of a child.<sup>215</sup> However, as the Border Guard confirms, due to the lack of funding, some NGOs withdrew their representatives from the list. The last update of the list took place in 2019. As of 2023, there were a total of 11 legal representatives on the list, for a total number of 217 unaccompanied children.<sup>216</sup> Their presence on that list is not binding, which means they are not obliged to become a representative.<sup>217</sup> In 2023 and 2024, the Border Guard indicated that, for every UAM, the competent court was asked to appoint a representative and the representative was chosen from the persons eligible by a respective court.<sup>218</sup>

There are no complaint mechanisms for children against their representatives apart from the institution of the Commissioner for the Rights of the Child. In 2024 the Commissioner for the Rights of the Child and Ombudsperson together called on the Polish Prime Minister to introduce amendments to the law, allowing for better protection of foreign children in Poland.<sup>219</sup> The Ombudsperson and the Commissioner referred to the situation in 2024 with numerous interventions concerning unaccompanied minors crossing the border from Belarus. They reported cases where unaccompanied minors for many days were kept without a secured place in foster care.

In Poland, unaccompanied children are placed in various intervention facilities (based on a court ruling) instead of being placed in a central institution. According to the Ombudsperson and Commissioner appointing one central foster care institution for urgent cases would prevent the situation where there is no place to find shelter for a foreign child.

<sup>212</sup> Article 61 Law on Protection.

<sup>213</sup> Article 66 Law on Protection.

<sup>214</sup> Article 65(3) and (4) Law on Protection.

<sup>215</sup> Information provided by the Border Guard, 17 January 2023.

<sup>216</sup> Information provided by the Border Guard on 4 March 2022, KG-OI-III.0180.7.2022/JL, still applicable for 2022.

<sup>217</sup> Information provided by the Border Guard, 17 January 2023.

<sup>218</sup> Information provided by the Border Guard, 18 March 2024.

<sup>219</sup> Ombudsperson for Children, 'RPD i RPO wspólnie apelują do premiera. Chodzi o migrujące dzieci bez opieki', 5 November 2024, available in Polish [here](#).



Problems concerning legal representations of unaccompanied minors are clearly presented in a case litigated by the Commissioner for Human Rights in 2022.<sup>220</sup> An unaccompanied minor O.A. was intercepted by the Border Guard with a group of other foreigners 60 km from the border with Belarus. On the same day, the Border Guards issued to all of them orders to leave Poland. The unaccompanied minor was considered a dependent of another foreigner and returned in the same manner. Two days later, O.A. entered Poland again. This time he was appointed a legal guardian, was placed in foster care and applied for international protection. The Commissioner for Human Rights lodged a complaint against the order to leave Poland to the Voivodeship Administrative Court in Białystok. In the complaint it was brought up, i.e., that the Border Guard took no action to identify O.A. as an unaccompanied minor and infringed the Convention on the Rights of the Child by not appointing a legal guardian, ensuring his best interest. In the judgement from 27 October 2022, the Court admitted that the unaccompanied minor should have had a legal guardian appointed for the case and the lack of appointment indeed constituted an infringement of Article 12 of the Convention of the Rights of the Child. The Court also noted that the Border Guard should have informed the intercepted foreigners about the possibility to apply for international protection in order to respect the principle of *non-refoulement*.

In 2023, SIP started a project which envisages training for candidates for legal representative of UAM and for the personnel of foster care facilities. Within this project they trained 44 persons and 8 facilities in 2023. They also created a list of persons ready to act as a guardian in case there is an unaccompanied minor in need.<sup>221</sup> In 2024 SIP trained 33 specialists and caregivers and acted as guardians in 18 cases of UAMs.<sup>222</sup>

If the asylum procedure terminates with a negative decision, the minor remains in the same foster family or institution. In April 2024 the Commissioner for the Rights of the Child met with the Border Guard and the main issue discussed during this meeting was foster care. There are not enough places in foster care institutions and there are very few foster families, ready to take care of foreign child.<sup>223</sup>

In 2024, there were 297 unaccompanied children (up from 292 in 2023) applying for international protection in Poland.<sup>224</sup>

In 2024 HFHR intervened in the case of a group of migrants, including an unaccompanied minor, who had been stranded in the border strip for several days without access to water, medicine and food, and who declared their intention to seek asylum. The Foundation has filed applications to the court demanding enforcement of the obligation to accept applications for international protection. In the case of the minor, the Foundation filed an application for international protection on her behalf, as this is possible under Polish law.<sup>225</sup> The case is pending as of April 2025.

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<sup>220</sup> Judgement of the Voivodeship Administrative Court in Białystok, no II SA/Bk 558/22 of 27 October 2022, see the judgement and comments from the Ombudsperson: [here](#).

<sup>221</sup> SIP, *Ruszamy z projektem wspierającym dzieci bez opieki w Polsce*, 14 September 2023, available [here](#).

<sup>222</sup> SIP, *Mamy wpływ! Podsumowanie najważniejszych działań SIP w 2024*, available in Polish [here](#).

<sup>223</sup> Commissioner for the Rights of the Child, Children need to be protected at the border, 19 April 2024, available [here](#).

<sup>224</sup> Information provided by the Office for Foreigners, 16 February 2024 and 3 February 2023.

<sup>225</sup> HFHR, 'HFPC składa do sądu wnioski w sprawie zapewnienia bezpieczeństwa migrującym rodzinom i osobom małoletnim bez opieki', 29 May 2024, available in Polish [here](#).

## E. Subsequent applications

### Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☐ Yes ☒ No
2. Is a removal order suspended during the examination of a first subsequent application?
  - ❖ At first instance ☒ Yes ☐ No
  - ❖ At the appeal stage ☒ Yes ☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
  - ❖ At first instance ☐ Yes ☒ No
  - ❖ At the appeal stage ☐ Yes ☒ No

Subsequent applications are subject to an [Admissibility Procedure](#). If there are no new grounds for the application, a decision on inadmissibility is issued. In 2024, there were 2,449 subsequent applicants, mostly Ukrainian nationals (828 persons).<sup>226</sup>

The first subsequent application has a suspensive effect on a return decision and a return order cannot be executed.<sup>227</sup> If the application is considered inadmissible because the applicant did not present any new evidence or new circumstances of the case,<sup>228</sup> it can be appealed within 14 days and until the Refugee Board takes a decision, the suspensive effect is upheld. If the application is considered admissible, i.e. containing new evidence or new circumstances relevant to the case, the Head of the Office for Foreigners issues a decision considering the application admissible.<sup>229</sup> In this case, suspensive effect is in force until the final administrative decision on international protection is served. In case of further subsequent applications, there is no suspensive effect on a return decision.<sup>230</sup>

In 2024, the Office for Foreigners issued 28 decisions deeming the application admissible, while the applications of 669 persons were dismissed as inadmissible.<sup>231</sup>

However, as SIP reports, asylum authorities apply a narrow interpretation of the notion of ‘new evidence or new circumstances’ and also misinterpret the importance of new evidence and new circumstances to the proceedings.<sup>232</sup> Moreover, the SIP lawyers noted that there is a well-established practice of not conducting interviews in subsequent application proceedings, including when the applicant presented new evidence or new circumstances in the case. SIP reported a case from 2021 of an LGBTQ+ applicant, whose sexual orientation was subject to examination neither in the first proceedings for international protection nor in the subsequent because the second application was considered inadmissible. The Office for Foreigners claimed that belonging to the LGBTQ+ community was a circumstance that was valid in the first proceedings so it cannot be considered a new circumstance in the subsequent proceedings. In this case, the lawyers argued that the circumstance to be considered ‘new’ does not necessarily have to arise after the first proceedings were finished, but merely was not examined in the first proceedings. There have been judgements of administrative courts that confirm such an approach.<sup>233</sup>

Additionally, there is no consistent approach to assessing changes in the country of origin situation. The SIP lawyers report both decisions on the admissibility of the application in such cases where the human rights situation in the country of origin deteriorated (e.g. Belarusian), as well as decisions claiming the application inadmissible in similar circumstances.<sup>234</sup> The lawyers believe the subsequent applications are

<sup>226</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>227</sup> Article 330(2) and (3) Law on Foreigners.

<sup>228</sup> Article 38(4) Law on Protection.

<sup>229</sup> Article 38(5) Law on Protection.

<sup>230</sup> Article 330(2)2 Law on Foreigners.

<sup>231</sup> Information provided by the Office for Foreigners, 19 February 2025. .

<sup>232</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020], available (PL) [here](#), 25.

<sup>233</sup> E.g. Judgement of the Voivodeship Administrative Court in Warsaw of 29 April 2021, IV SA/Wa 14663/20, see: Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2021 r. [Report SIP in action. Rights of foreigners in Poland in 2021], available (PL) [here](#).

<sup>234</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020], available (PL) [here](#), 25.

considered inadmissible automatically, even if the person returned to the country of origin and then applied again for international protection and also if their health condition changed.<sup>235</sup>

Dublin returnees' applications submitted after the 9 months deadline will be considered a subsequent application and channelled in an admissibility procedure. An NGO reported of cases when the person's application was considered inadmissible even if it contained new evidence, such as a psychologist opinion from the organisation from another country confirming that the person suffered from tortures. Although in the first case for international protection being a torture victim was ignored by the authorities as not proven, the second application presenting the proof was found inadmissible.<sup>236</sup>

Concerning personal interviews, appeals and legal assistance, see the section on the [Admissibility Procedure](#).

## F. The safe country concepts

### Indicators: Safe Country Concepts

1. Does national legislation allow for the use of "safe country of origin" concept? ☐ Yes ☒ No
  - ❖ Is there a national list of safe countries of origin? ☐ Yes ☒ No
  - ❖ Is the safe country of origin concept used in practice? ☐ Yes ☒ No
2. Does national legislation allow for the use of "safe third country" concept? ☐ Yes ☒ No
  - ❖ Is the safe third country concept used in practice? ☐ Yes ☒ No
3. Does national legislation allow for the use of "first country of asylum" concept? ☒ Yes ☐ No

The safe country concept is not applicable under the Polish law. The concept of the first country of asylum is included in the law and reflects the wording of Article 35 of the recast Asylum Procedures Directive. This provision was not applied in practice in 2024.<sup>237</sup>

## G. Information for asylum seekers and access to NGOs and UNHCR

### 1. Provision of information on the procedure

#### Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
  - ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

The same level of information on the asylum procedure is provided to applicants during all types of procedures. The Border Guard officer who receives an asylum application has to inform the applicant in writing in a language that they understand on:<sup>238</sup>

- ❖ Rules related to the asylum procedure;
- ❖ Rights and obligations of the asylum seeker and their legal consequences;
- ❖ The possibility of informing UNHCR of an asylum procedure, reading the files, making notes and copies;
- ❖ NGOs which work with asylum seekers;
- ❖ The scope of the material reception conditions and medical assistance;

<sup>235</sup> Legal Intervention Association (SIP), Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 20219 r. [Report SIP in action. Rights of foreigners in Poland in 2019], available (PL) [here](#).

<sup>236</sup> SIP, Raport z działalności Stowarzyszenia Interwencji Prawnej w 2022 roku, available [here](#), 22.

<sup>237</sup> Information provided by the Office for Foreigners, 16 February 2024 and 3 February 2023.

<sup>238</sup> Article 30(1)(5) Law on Protection.



- ❖ Access to the free-of-charge state legal aid;
- ❖ The address of the centre where the applicant will live in.

Under the law, the information about the possibility to apply for international protection and the assistance of the interpreter is present at the border crossing points and in detention centres.<sup>239</sup>

According to the Border Guard, information about the procedure, covering the contact list of NGOs, is provided at the border crossing points and in other places where foreigners stay and is available in 24 languages.<sup>240</sup>

On the website, the Office for Foreigners provides basic information presented in graphic form, covering topics such as lodging an application, the main steps of the procedures, rights and obligations of applicants and documents issued to beneficiaries. This information is available in Polish, English, Russian and Ukrainian.<sup>241</sup>

Asylum seekers are informed about the Dublin procedure when they apply for international protection in accordance with the Dublin III Regulation and the Commission's Implementing Regulation no 118/2014, including the specific leaflet for unaccompanied children. This information is available in 11 languages.<sup>242</sup>

Main challenges identified in 2024 concerned access to the procedure and [access to the territory](#), which are crucial to be able to benefit from the information about the procedure.

Obstacles with regard to the provision of information concerned persons fleeing Ukraine. On this topic see [Annex on temporary protection](#).

## 2. Access to NGOs and UNHCR

### Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☐ With difficulty ☒ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

Under the law, the Border Guards are obliged to ensure applicants can access UNHCR and NGOs, also at the border.<sup>243</sup>

In 2024, the main issue with regard to access to NGOs was access at the Belarusian border where the persons in need of assistance are subject to immediate pushbacks. There are numerous reports of persons returned to Belarus immediately after apprehension in the border zone, who did not have a possibility to apply for international protection and also are in need of medical and psychological assistance. On the situation at the border see [Access to the territory and pushbacks](#).

In 2024 the UNHCR was not engaged in any projects with the Office for Foreigners, neither on monitoring of interviews, nor analysis of the quality of decision-making process).<sup>244</sup> However, in 2024 in collaboration with UNHCR the Office prepared a leaflet for applicants in detention. UNHCR is also involved in training for local authorities and in activities such as provision of services for people with special needs, legal

<sup>239</sup> Article 29(1) Law on Protection.

<sup>240</sup> Information provided by the Border Guard, 17 January 2023 KG-OI-VIII.0180.184.2022.BK.

<sup>241</sup> Office for Foreigners, information about the proceedings for international protection, available [here](#).

<sup>242</sup> Information provided by the Border Guard, 17 January 2023 KG-OI-VIII.0180.184.2022.BK.

<sup>243</sup> Article 29(2) Law on Protection.

<sup>244</sup> Information from the Office for Foreigners, 19 February 2025.

assistance, mental health and psychosocial support, support in accessing jobs and accommodation, e.g. have regular duty hours in Multicultural Centre in Warsaw.<sup>245</sup>

On access to NGOs and UNHCR from detention, see [Access to detention facilities](#).

## H. Differential treatment of specific nationalities in the procedure

### Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No  
❖ If yes, specify which: n/a
2. Are applications from specific nationalities considered manifestly unfounded?<sup>246</sup> ☐ Yes ☒ No  
❖ If yes, specify which: n/a

Since 2021 until the end of 2023, Belarusians were the most numerous nationality group among asylum applicants in Poland. In 2024, they were second biggest, since more Ukrainians applied for international protection (on Ukrainians - see more in the [Annex on temporary protection](#) to the report. Poland registers around 72% of all applications for international protection submitted by Belarusians in Europe.<sup>247</sup> Few cases are considered negative or discontinued, which is why the refugee rate in 2024 was 94%.<sup>248</sup>

For many years prior to 2021, Russian citizens of Chechen origin were the main group applying for international in Poland. In 2024, almost half of Russian applicants submitted a subsequent application (465 persons out of 985 applicants in total). In 2024 119 persons from Russia were granted refugee status (compared to 113 in 2023) and 75 subsidiary protection (compared to 79 in 2023).

In 2024 there were 21 applicants from Palestine. In 2024 5 persons were granted refugee status and 4 subsidiary protection, there were no negative decisions on the merit issued.<sup>249</sup>

<sup>245</sup> UNHCR Poland, information from 7 February 2025.

<sup>246</sup> Whether under the “safe country of origin” concept or otherwise.

<sup>247</sup> Office for Foreigners, Report on the situation of Belarusians in Poland, 29 February 2024.

<sup>248</sup> Information provided by the Office for Foreigners, 19 February 2024.

<sup>249</sup> Information provided by the Office for Foreigners, 19 February 2024.

## Reception Conditions

### Short overview of the reception system

The Office for Foreigners, supervised by the Ministry of Interior and Administration, is the main body responsible for the reception of asylum applicants in Poland.

Asylum applicants are entitled to material reception conditions during all asylum procedures in Poland. The provision of reception conditions does not depend on the financial situation of asylum applicants.

As a rule, material reception conditions are granted from the moment the asylum applicant registers in the reception centre, thus not straightaway after claiming asylum. Only medical assistance can be granted from the moment of claiming asylum (e.g. at the border), in special situations, i.e. in case of threat to life and health. Asylum applicants who cannot apply for asylum on the day they contact the Border Guard should be given a specific date and time when submitting the application will be possible (see [Registration](#)). In this 'waiting period' they are not entitled to any material reception conditions.

Reception conditions are provided:

- ❖ up until 2 months after a final positive decision on asylum;
- ❖ up until 14 days after a final decision discontinuing the asylum procedure (e.g. in admissibility procedures);
- ❖ up until 30 days after a final negative decision on asylum given on the merits by the Office for Foreigners or the Refugee Board. During the onward appeal proceedings, the material reception conditions may be re-granted only if the court suspends the execution of the asylum decision that has been appealed. It does not happen in all cases.

There are two forms of material reception conditions. Asylum applicants can live in the reception centre (managed by the Office for Foreigners or one of its contractors) or receive a financial allowance that should cover the expenses of living privately. Despite the law providing that accommodation in the reception centre is the rule, usually more asylum applicants choose to receive a financial allowance rather than stay in the centre.

At the end of 2024, 9 reception centres operated in Poland, offering 1,525 places for asylum applicants. Two centres served as first-reception centres (located in **Podkowa Leśna-Dębak** and **Biała Podlaska**) and seven functioned as accommodation centres (located in **Białystok**, **Czerwony Bór**, **Bezwola**, **Łuków**, **Kolonia-Horbów**, **Grupa** and **Linin**). The Head of the Office for Foreigners is responsible for the management of all the centres. This authority can delegate its responsibility for managing the centres to social organisations, associations, private owners, companies etc. Currently, 5 reception centres are managed by private contractors. Overcrowding was not an issue reported in practice in 2024. The conditions in the centres have improved in recent years, although certain problems are still being reported such as the remote location of certain centres, which impedes the integration process of asylum applicants.

The amount of financial allowance granted to asylum applicants living outside the reception centres is not sufficient to cover all expenses of their stay in Poland or even to satisfy their basic needs. It is difficult to rent an apartment with this allowance.

The law allows for access to the labour market for asylum applicants after six months from the date of submission of an asylum application if a final decision has not been taken within this time and if the delay is not attributed to any fault of the asylum applicant. However, in practice, it is difficult for asylum applicants to find a job in Poland.

Asylum-seeking children have access to education in public schools. However, multiple problems are reported regarding access in practice.

Health care is provided to asylum applicants throughout asylum proceedings by the Petra Medica company. Asylum applicants can see a doctor or a psychologist in all reception centres. Psychological treatment available to asylum applicants is generally considered insufficient. Asylum applicants can also see other specialists but with some difficulty. Accessing costly specialised treatment is hampered. In general, the provision of medical assistance by the Petra Medica is criticised.

## A. Access and forms of reception conditions

### 1. Criteria and restrictions to access reception conditions

#### Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow access to material reception conditions for asylum applicants in the following stages of the asylum procedure?
 

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Border procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
❖ Subsequent application	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
  
2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

#### 1.1. The right to reception at different stages of the procedure

Asylum applicants are entitled to material reception conditions during all asylum procedures in Poland. There is no difference between regular, accelerated and admissibility procedures, as well as first appeal.<sup>250</sup> The provision of reception conditions does not depend on the financial situation of asylum applicants.

Asylum applicants are entitled to material reception conditions after claiming asylum, from the moment they register in the first reception centre. They should register there within two days after making their application, otherwise, their asylum procedure is discontinued (unless they declare another place of stay), as was the case in 289 cases in 2024 (389 in 2023).<sup>251</sup> Only medical assistance can be granted from the moment of making an asylum application (i.e. before registration in a first reception centre) in special situations, i.e. in case of threat to life and health.<sup>252</sup> Moreover, according to the draft Law on Protection published in December 2024, the child of an asylum applicant born on the territory of the Republic of Poland is entitled to medical care from the day of their birth, if the asylum applicant submits an application for international protection on their behalf. As of 27 January 2025, the draft was not yet adopted.<sup>253</sup> Since 24 February 2022, it has also been possible to grant a financial allowance for asylum applicants living outside reception centres without their prior registration in one of the first-reception centres.<sup>254</sup>

Exceptionally, the Border Guard is entitled to inform an asylum seeker that it is impossible to apply for asylum the day they present themselves at the Border Guard unit. In such a situation, the Border Guard registers a declaration of intention to submit the asylum application and determines a later date (no longer than 3 working days, or in case of massive influx 10 working days but in practice, deadlines are longer

<sup>250</sup> Article 70 Law on Protection.

<sup>251</sup> Article 40(1)(2) in conjunction with Article 40(2)(1) Law on Protection. Information provided by the Office for Foreigners, 19 February 2025 and 16 February 2024. This number includes all situations where asylum seekers did not register in the reception centre in 2 days, so both when they did not manage to get there in time and when they did it intentionally (e.g. they left Poland to seek asylum elsewhere).

<sup>252</sup> Article 74(1)(1) Law on Protection.

<sup>253</sup> Article 3 of the draft law of 4 December 2024, available in Polish [here](#).

<sup>254</sup> Article 74(1a) Law on Protection.

and foreigners may have to wait up to several weeks to submit the asylum application)<sup>255</sup> and place to officially apply for asylum.<sup>256</sup> In 2023, this was the case for 574 third-country nationals (541 declarations, compared to 4,013 declarations registered in 2022, a significant decrease compared to recent years).<sup>257</sup> Data for 2024 was not available. By law, asylum seekers waiting to officially apply for asylum are not entitled to any form of material reception conditions in Poland. The problem concerns both first-time asylum seekers and rejected asylum seekers who intend to apply for asylum again, but the latter try to avoid a gap in obtaining assistance by submitting a subsequent application before the entitlement to material reception conditions resulting from a previous asylum procedure elapses.<sup>258</sup>

Reception conditions are provided:<sup>259</sup>

- (a) until 2 months after a final positive decision on asylum;
- (b) up until 14 days after a final decision discontinuing the asylum procedure (e.g. in admissibility procedures);
- (c) up until 30 days after a final negative decision on asylum given on the merits by the Office for Foreigners or the Refugee Board.<sup>260</sup>

In principle, during the onward appeal procedure before the Voivodeship Administrative Court in Warsaw, asylum seekers are not entitled to material reception conditions.<sup>261</sup> In practice, when the court suspends enforcement of the contested decision of the Refugee Board for the duration of the court proceedings, asylum seekers are re-granted material reception conditions to the same extent as during the administrative asylum procedure, until the ruling of the court (according to the Office for Foreigners there were “several cases” in 2024 and 2023).<sup>262</sup> In practice, asylum seekers deal with the problem of the lack of material reception conditions during court proceedings by submitting subsequent asylum applications.

Asylum applicants who are subject to a Dublin transfer from Poland are entitled to material reception conditions until the day they should leave the country.<sup>263</sup> Thus, this assistance may be granted for a longer period than in other cases when a decision discontinuing the proceedings is issued (it is an exception from the 14-day rule mentioned above). Dublin returnees may also request additional assistance, covering travel costs, administrative payments for travel documents or visas and permits, the cost of food before and during the travel, accommodation before the travel, and medical assistance.<sup>264</sup> The request has to be submitted within 21 days from the moment the transfer decision became final. If it is submitted later than within this timeframe, the request will be ignored.<sup>265</sup> The decision on assistance before and during the Dublin transfer cannot be appealed to the second-instance administrative authority, but a judicial remedy should be available in front of the Voivodeship Administrative Court.<sup>266</sup> In 2024, 2 requests for additional assistance were submitted; both were accepted.<sup>267</sup>

Moreover, access to material reception conditions is to be continuously provided if a person concerned applies for assistance in the context of a voluntary return procedure to the Chief Commander of the Border Guard.<sup>268</sup>

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<sup>255</sup> Practice-based observation by the experts authors of this report, January 2025.

<sup>256</sup> Article 28(1) Law on Protection.

<sup>257</sup> Information provided by the Border Guard Headquarters, 18 March 2024.

<sup>258</sup> Information provided by SIP, 8 January 2020.

<sup>259</sup> Article 74(1) Law on Protection; Article 299(6)(1)(b) Law on Foreigners.

<sup>260</sup> It is connected with the obligation to depart from Poland within 30 days after receiving final negative decision on asylum.

<sup>261</sup> After the administrative appeal procedure before the Refugee Board, there is a possibility of an onward appeal before the Voivodeship Administrative Court in Warsaw, but only points of law can be litigated at this stage.

<sup>262</sup> This is the long-standing interpretation by the Legal Department of the Office for Foreigners. Information provided by the Office for Foreigners, 16 February 2024 and 19 February 2025.

<sup>263</sup> Article 74(3)(2) Law on Protection, since 7 April 2023.

<sup>264</sup> Article 75a(3) Law on Protection, since 7 April 2023.

<sup>265</sup> Article 75a(6-7) Law on Protection.

<sup>266</sup> Article 75a(9) Law on Protection, since 7 April 2023

<sup>267</sup> Information from the Border Guard Headquarters, 7 March 2025.

<sup>268</sup> Article 74(3)(1) Law on Protection, since 7 April 2023.

Some applicants are not entitled to material reception conditions during the asylum procedure e.g. beneficiaries of subsidiary protection who presented a subsequent application to be recognised as refugees;<sup>269</sup> third-country nationals benefiting from humanitarian stay or tolerated stay; foreign nationals residing in Poland based on temporary stay permit, permanent stay permit or long-term residence permit; foreign nationals hosted in youth care facilities or detention centres or a pre-trial custody or detention for criminal purposes.<sup>270</sup> Beneficiaries of subsidiary protection, third-country nationals residing in Poland based on a permanent stay permit, long-term residence permit or – in some cases – temporary stay permit are entitled to state benefits (general social assistance system) to the same extent as Polish citizens. Foreign nationals who were granted a humanitarian stay or tolerated stay are entitled to state benefits only in the form of shelter, food, necessary clothing and an allowance for a specified purpose.<sup>271</sup>

## 1.2. Obstacles to accessing reception

There are some practical obstacles reported in accessing material reception conditions. In 2024, the problems identified in recent years continued.<sup>272</sup> The difficulties intertwined with transport from detention centres to reception ones, and with the humanitarian crisis at the Polish-Belarusian border, were most prominent.

### Transport from detention centres

Detained asylum applicants face great difficulties when they are released from detention centres. By law, they are not entitled to any support immediately after release. They are granted material reception conditions only from the moment of registration in a reception centre, which is very often located far away from the detention centre. As a result, asylum applicants have difficulties covering the cost of transport to the reception centre and reaching it within the set deadline of 2 days.<sup>273</sup> It should be organised by the Border Guard regarding released pregnant women, single parents, elderly and disabled people.<sup>274</sup> The partial data that were made available show that the respective provision of the Law on Protection has been applied in practice concerning 10 third country nationals in 2024, including 2 detained in Lesznowola, 8 detained in Kętrzyn<sup>275</sup>.

Besides that, Border Guard declares that it buys train or bus tickets for released third-country nationals (Przemyśl, Krosno Odrzańskie and Kętrzyn) or transports them to the closest train or bus station (Krosno Odrzańskie, Lesznowola), to a reception centre (Lesznowola – 221 persons) or to a shelter (Lesznowola – 2 persons, in cooperation with the Dialog Foundation). Tickets for trains or other means of communication were bought also by NGOs (SIP, Stowarzyszenie Podróżnych Ugościć – in Kętrzyn), NGOs offered also accommodation and food to released asylum applicants from the Krosno Odrzańskie detention centre. In Kętrzyn, released third-country nationals received additional material support, like clothes, shoes, backpacks, hygienic products, food, financed from the EU funds, Border Guard's budget and donations, e.g. from Caritas.<sup>276</sup> This data indicates a notable difference in the assistance provided to individuals released from detention centres. While some centres employ various methods to support released individuals, others offer no assistance.

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<sup>269</sup> In practice, some foreigners after the end of the asylum procedure, in which they were granted subsidiary protection, apply for asylum again in order to be granted refugee status.

<sup>270</sup> Article 70(2) Law on Protection.

<sup>271</sup> Article 5(2) Law of 12 March 2004 on social assistance.

<sup>272</sup> For further information, see previous updates of AIDA, *Country Report Poland*, available [here](#).

<sup>273</sup> Article 40(2)(2) of the Act on Protection.

<sup>274</sup> Article 89cb Law on Protection. In law it has not been guaranteed that other vulnerable asylum seekers can benefit from the organised transport, which has been described as 'a gap in asylum system': Pachocka, M. and Sobczak-Szelc K., 'Refugee Protection Poland – Country Report', Multilevel Governance of Mass Migration in Europe and Beyond Project (Horizon2020), January 2020, available [here](#), 73.

<sup>275</sup> Information from different branches of the SG from February 2025.

<sup>276</sup> Ibid.



In January 2023, the difficulties with the transport of persons released from detention were noticed by the Polish Human Rights Commissioner.<sup>277</sup> He explained that third-country nationals do not know the Polish language, often do not have Polish currency, and are released from detention in the evenings or at night, which makes their travel very difficult. They sometimes receive some financial support to cover travel expenses from the Border Guard (also from EU funds) or NGOs. However, this is not regulated in law and depends on the willingness and capabilities of those entities. According to the Commissioner, some support mechanisms addressing this problem should be introduced into the Polish legislation. In February 2023, the Border Guard responded that they can act only within their powers arising from the law in force, so they can only provide transport to vulnerable third-country nationals released from the detention centre. The Border Guard tries to release asylum applicants during the day, but it is sometimes difficult due to the late delivery of the court's decision ordering the release.<sup>278</sup> In 2024, no legislation changes in this regard were made, therefore the problem remains relevant.

### At the Polish-Belarusian border

The humanitarian crisis at the Polish-Belarusian border, that started in 2021 and continued in 2024 (see [Access to the territory and pushbacks](#)), left many prospective asylum seekers without access to material reception conditions.<sup>279</sup> Third-country nationals that were stuck on that border or pushed back to Belarus were often not allowed to apply for international protection in Poland – against Polish, EU and international law<sup>280</sup> – thus, they could not obtain material reception conditions, including medical assistance, that is available to asylum seekers whose applications have been registered. In those circumstances, humanitarian aid (i.e. food, clothes, blankets) and medical assistance<sup>281</sup> had to be provided by several local and state authorities (including the Commissioner for Human Rights),<sup>282</sup> NGOs and private persons. However, its scope and effectiveness were greatly limited after the introduction of the state of emergency and similar measures, and the hampering and criminalisation of humanitarian assistance to migrants and asylum seekers in the country.

For example, in May 2023, a group of several dozen third-country nationals from Syria and Iraq (20-30 persons), including children (11, the youngest being 1.5-2 years old), had been asking the Polish Border Guard for asylum while being blocked from entering Poland by the fence built at the border. Their applications were not accepted and they were not allowed to enter Poland. The Belarusian authorities did not allow them to go back to Belarus, so they were stuck “between” two countries for several days. The site was visited by the Commissioner for Human Rights’ representatives. The Border Guard stated that the group could not be admitted to Poland, but they were given some food and water by the Border Guard’ officers.<sup>283</sup> NGOs were not allowed to approach the group and provide them humanitarian assistance, but the activists remained near the border (15m from the group) and tried to talk with them and play some games with the children.<sup>284</sup>

In 2024 the Commissioner for Human Rights The Office of the Ombudsman requested clarification from the Commander of the Border Guard Station in Dubicze Cerkiewne about a woman who was allegedly located on the eastern side of the dam along the Polish-Belarusian border. Based on the information available to the Commissioner, the woman, a foreign national, was injured and in need of medical care, as well as food and water. The Ombudsman also inquired whether the woman had received the necessary

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<sup>277</sup> Human Rights Commissioner, ‘RPO pyta o pomoc dla cudzoziemców zwalnianych z ośrodków strzeżonych. Straż Graniczna odpowiada’, 3 January and 7 February 2023, available in Polish [here](#).

<sup>278</sup> Ibid.

<sup>279</sup> See e.g. K. Czarnota and M. Górczyńska, ‘The Lawless Zone: Polish-Belarusian Border Monitoring’, HFHR, June 2022, available in English [here](#), Fundacja Ocalenie, ‘Przemoc państwa i działania oddolne’, May 2022, available in Polish [here](#).

<sup>280</sup> HFHR, ‘Przypominamy: deklaracja zamiaru złożenia wniosku o ochronę międzynarodową jest wiążąca dla Straży Granicznej’, 29 May 2023, available in Polish [here](#).

<sup>281</sup> For more, see Health care section below.

<sup>282</sup> Commissioner for Human Rights, ‘Pomoc materialna RPO dla cudzoziemców i organizacji pomocowych działających przy granicy polsko-białoruskiej’, 23 September 2021, available in Polish [here](#).

<sup>283</sup> Commissioner for Human Rights, ‘ZRPO Wojciech Brzozowski interweniuje ws. grupy cudzoziemców pod zaporą przy granicy polsko-białoruskiej. Odpowiedź SG’, May 2023, available in Polish [here](#).

<sup>284</sup> M. Chrzczonowicz, ‘Na granicy polsko-białoruskiej 25 osób, w tym dzieci, przez drut prosi o azyl. Nie mogą się cofnąć’, *Oko.press*, 27 May 2023, available in Polish [here](#), M. Chrzczonowicz, ‘Prosimy o bezpieczeństwo. 25 osób czeka za metalową barierą’, *Oko.press*, 30 May 2023, available in Polish [here](#).



medical and humanitarian support, and specifically whether there had been any consideration to allow her to move to the western side of the dam where she could obtain the required assistance.<sup>285</sup>

## 2. Forms and levels of material reception conditions

### Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants as 31 December 2024 (in the original currency and in €):

- |                            |                   |
|----------------------------|-------------------|
| ❖ Accommodated, incl. food | PLN 50 / EUR 11.6 |
| ❖ Private accommodation    | PLN 775 / EUR 180 |

Asylum applicants are either accommodated in a reception centre or receive a monthly financial allowance to cover all costs of their stay in Poland.

Under the law, the material reception conditions offered in the centre are granted as a rule to all asylum applicants. An asylum applicant can obtain assistance granted outside the centre upon request, examined by the Head of the Office for Foreigners. It can be granted for organisational, safety or family reasons or to prepare asylum applicants for independent life after they have received any form of protection.<sup>286</sup>

All of the abovementioned reception conditions are applied in practice. As of 31 December 2024, 853 (compared to 656 in 2023) asylum applicants were residing in the reception centres. 5,254 (compared to 3,493 in 2023) asylum applicants were receiving assistance outside the centres.<sup>287</sup>

All asylum applicants (living in and out of the reception centre) can:

- ❖ attend a Polish language course and receive basic material supplies necessary for the course;
- ❖ receive school supplies for children, including, as far as possible, the expenses for extra-curricular classes, sports and recreational activities;
- ❖ have the costs of public transport covered to (a) attend interviews as part of the asylum procedure; (b) medical examinations or vaccinations; or (c) in other particularly justified cases;
- ❖ receive medical care.

### Living in the reception centre

For asylum applicants accommodated in reception centres, material conditions include:

- ❖ Accommodation;
- ❖ Meals in the centre or a financial equivalent (PLN 11 / € 2.55) per day;
- ❖ Allowance for personal expenses of PLN 50 / € 11.60 per month;
- ❖ Permanent financial assistance of PLN 20 / € 4.64 per month for the purchase of hygienic articles or hygienic utilities;
- ❖ One-time financial assistance or coupons of PLN 140 / € 32.48 for the purchase of clothing and footwear.

<sup>285</sup> Commissioner for Human Rights, 'Sprawa rannej cudzoziemki po wschodniej stronie zapory na granicy polsko-białoruskiej. Pismo do Straży Granicznej', available in Polish [here](#).

<sup>286</sup> Article 72(1) Law on Protection.

<sup>287</sup> Information provided by Office for Foreigners 19 February 2025, 16 February 2024.

The PLN 70 that asylum applicants receive every month (allowances for personal expenses and hygienic articles or hygienic utilities) is not enough to satisfy their basic needs.<sup>288</sup> Among other examples, an asylum applicant who stayed in one of the reception centres with his pregnant wife provided the following account:

We had a shared kitchen where you could cook for your own needs. However, I don't know where refugees can get money if they don't have a work permit. And for the first six months, while waiting for the decision, they definitely don't have it. Additionally, we only received about thirty zlotys a week for household items. Even though the centre was safe and we had a roof over our heads, we were not happy there.<sup>289</sup>

Children attending schools are not eligible for the meals served in the reception centre. Instead, asylum-seeking parents receive a financial allowance of 11 PLN per day (330 PLN per month – 76.57 EUR) to buy food for their children, which proves insufficient to meet their needs.<sup>290</sup>

According to the law, in case an asylum applicant helps in a reception centre (i.e. performs cleaning work for the centre, provides translation or interpretation that facilitates communication between the personnel of the centre and asylum applicants, or provides cultural and educational activities for other asylum applicants who stay in the centre), the amount of the allowance for personal expenses may be raised to PLN 100 (€ 23.20). In 2024 this raise was applied in 258 cases.<sup>291</sup>

NGOs are constantly raising concerns regarding the fact that financial allowances for persons staying in the reception centres are inadequate to market situation and insufficient to satisfy the asylum applicants' basic needs. Despite that, the allowances remained very low for many years. Thus, in the centres, humanitarian assistance must be continuously provided by the NGOs and private persons.<sup>292</sup>

### Living outside the reception centre

For those assisted outside centres, there is one financial allowance for all costs of stay in Poland. This daily allowance depends on the family composition of the applicant:

Financial allowance for all costs of stay in Poland (outside reception centres)	
Family composition	Amount per day
Single adult	PLN 25 / € 5.80
Two family members	PLN 20 / € 4.64
Three family members	PLN 15 / € 3.48
Four or more family members	PLN 12.50 / € 2.90

The amount of financial allowance that asylum applicants receive is generally not sufficient to ensure an adequate standard of living in Poland.<sup>293</sup> With only PLN 750-775 (around € 174-180) per month, it is very difficult or even impossible to rent an apartment or even a room in **Warsaw**, where most asylum applicants

<sup>288</sup> PFM, 'Czas w ośrodku to czas wykluczenia', 2023, available in Polish [here](#). Fundacja EMIC, 'Wielokulturowa Grupa – wyjątkowa miejscowość w naszym województwie', 5 August 2023, available in Polish [here](#). M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska (2020) 'Reception Policies, Practices and Responses: Poland Country Report', RESPOND Working Papers 2020/45, available [here](#), 64, 84.

<sup>289</sup> 'Pamiętniki uchodźcze', Magazyn Kontakt 2023, available in Polish [here](#), 68 (author's translation).

<sup>290</sup> Fundacja EMIC, 'Wielokulturowa Grupa – wyjątkowa miejscowość w naszym województwie', 5 August 2023, available in Polish [here](#).

<sup>291</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>292</sup> Fundacja EMIC, 'Wielokulturowa Grupa – wyjątkowa miejscowość w naszym województwie', 5 August 2023, available in Polish [here](#).

<sup>293</sup> PFM, 'Czas w ośrodku to czas wykluczenia', 2023, available in Polish [here](#), FRA, 'Migration: Key Fundamental Rights Concerns: 1.7.2019-30.9.2019. Quarterly Bulletin', 20, relying on the information from the HFHR and SIP. See also Lukaszewicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', International Migration Vol. 55 (6) 2017, 63-64.

stay during the procedure, particularly taking into account that owners are often unwilling to rent an apartment to third-country nationals, especially asylum applicants, and tend to increase rent or deposit in such situations.<sup>294</sup> As the amount of financial allowance is insufficient for renting separate accommodation, asylum applicants are often forced to live in overcrowded and insecure places. Many of them sleep in overcrowded apartments, where they have to share beds with other people or where living conditions do not provide privacy and personal safety.<sup>295</sup> Financial allowance for families of four amounts to PLN 1,500 (around € 348) per month and in practice it may be enough only to rent an apartment, however with great difficulty. Insufficient social assistance forces asylum applicants to work irregularly in order to ensure their subsistence and be able to afford rent costs. The amount of social assistance for asylum applicants has not been raised since 2003, even though the costs of living in Poland have increased significantly since then. As a result, material reception conditions are insufficient to ensure a decent standard of living as highlighted in the CJEU judgment in *Saciri*.<sup>296</sup> Moreover, the financial allowance that asylum applicants receive is not adjusted to their state of health, age or disability, which is also incompatible with the *Saciri* judgment.<sup>297</sup>

In February 2023, the Human Rights Commissioner once more called on the Ministry of Internal Affairs and Administration to increase allowances for asylum applicants and the Ministry declared that it plans changes in the respective law (however, without providing specific details on the anticipated changes).<sup>298</sup> In line with these remarks, in October 2023 a new text of the Ordinance on Amount of Assistance for Asylum Applicants was adopted, but no change in the amounts of allowances was introduced. The main aim of the amendment was to adapt it to the new division of competences between the Office for Foreigners and the Border Guard in force since April 2023. Therefore, the problem of insufficient allowances remained relevant also in 2024.<sup>299</sup>

### 3. Reduction or withdrawal of reception conditions

#### Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?  
☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?  
☒ Yes ☐ No

The law provides for the possibility to withdraw material reception conditions if an asylum applicant grossly violates the rules in the reception centre or acts violently towards employees of the centre or other third-country nationals staying there. Material reception conditions can be re-granted to the same extent as previously (upon an asylum applicant's request), but if the violation occurs again, it can be re-granted only in the form of a payment of half of the regular financial allowance provided to asylum applicants (Articles 76 and 78 Law on Protection).

<sup>294</sup> 'List of recommendations to improve housing situation of Beneficiaries of International Protection in Poland – prepared by Refugee Council operating within the NIEM/V4NIEM', 2021, available [here](#), W. Goszczyński, R. Baczyński-Sielaczek, J. Suchomska, J. Stankowska and M. Wróblewski. 'Lokalne systemy integracji uchodźców – badania' in Fundacja EMIC and Pracownia Zrównoważonego Rozwoju, *Wielogłos. Integracja uchodźców w polskich gminach*, 2016, available (in Polish) [here](#), 81.

<sup>295</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 56-58; W. Klaus, 'Rozwiązania prawne stosowane w odniesieniu do osób starających się o ochronę w Polsce' in A. Górny, H. Grzymała-Moszczyńska, W. Klaus and S. Łodziński, *Uchodźcy w Polsce. Sytuacja prawna, skala napływu i integracja w społeczeństwie polskim oraz rekomendacje*, PAN 2017, available (in Polish) [here](#), 22; Łukasiewicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', *International Migration* Vol. 55 (6) 2017, 63. Information provided also by SIP, 8 January 2020.

<sup>296</sup> CJEU, Case C-79/13 *Saciri*, Judgment of 27 February 2014.

<sup>297</sup> See e.g. the HFHR's opinion concerning planned increase of financial allowances for asylum seekers, 24 September 2021, available in Polish [here](#).

<sup>298</sup> Human Rights Commissioner, 'Interwencja RPO ws. świadczeń pieniężnych dla cudzoziemców ubiegających się o ochronę międzynarodową. MSWiA informuje, że będą zmiany w rozporządzeniu', 2 March and 12 April 2023, available in Polish [here](#).

<sup>299</sup> See: SIP, Global Detention Project, 'Joint submissions to the 76th Session of the Committee on Economic, Social and Cultural Rights', August 2024, available in English [here](#).

Although the abovementioned rules are contradictory to the CJEU's preliminary ruling in the case of *Haqbin*,<sup>300</sup> they remain in force.<sup>301</sup> However, since the judgment was issued, no asylum applicant has been deprived of reception conditions on this basis.<sup>302</sup> In February 2024, the draft amendment of the Law on Protection that aims at implementing the *Haqbin* judgment in Poland was published. According to the draft, Articles 76 and 78 of the Law on Protection should be repealed. As of 27 January 2025, the draft was referred to the Parliament, but has not been adopted yet.<sup>303</sup>

The financial allowance can be reduced to half also in case of a refusal to undergo medical examinations or necessary sanitary treatment of asylum applicants themselves and their clothes (Article 81(3) Law on Protection). This rule was not applied in 2024.<sup>304</sup>

Moreover, in case an asylum applicant stays outside the reception centre for a period exceeding two days, material reception conditions should be withheld by law until the moment of their return.<sup>305</sup>

#### 4. Freedom of movement

##### Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☐ Yes ☒ No

Officially there is no restriction to the freedom of movement of asylum applicants: they can travel around Poland wherever they want. However, when an asylum applicant accommodated in a reception centre stays outside this centre for more than 2 days, the assistance will be withheld by law until the moment of their return.<sup>306</sup> According to the draft amendment of the Law on Protection that was published in December 2024, in such case, medical assistance would be also suspended, except in emergency situations, for basic treatment of illnesses, serious mental disorders, or when a person requires special treatment. As of 27 January 2025, the draft was not adopted yet.<sup>307</sup> The Human Rights Commissioner is critical of the changes, pointing out that the proposed changes may unjustifiably deprive asylum applicants access to medical care.<sup>308</sup>

Moreover, asylum applicants can leave the centre whenever they want, during the day, but they should be back before 11:00 p.m.<sup>309</sup> Asylum applicants may leave the reception centre for a couple of days upon earlier notification in the centre.<sup>310</sup>

The Office for Foreigners decides to which reception centre asylum applicants will be allocated. This decision cannot be formally challenged. In practice, nuclear families generally stay in the same centre. The decisions are made taking into consideration family ties (asylum applicants should be allocated in the same centre as their families), vulnerability (e.g. asylum applicants with special needs can be allocated only to the centres which are adapted to their needs), the continuation of medical treatment (when it cannot be continued in other premises), the safety of the asylum applicant and capacity of the centres.<sup>311</sup>

<sup>300</sup> CJEU (Grand Chamber), case C-233/18 *Haqbin*, Judgment of 12 November 2019.

<sup>301</sup> M. Łysienia, 'Pozbawienie pomocy socjalnej w postępowaniu uchodźczym: *Haqbin* a prawo polskie', 12 April 2021, Laboratorium Migracji Blog, available in Polish [here](#).

<sup>302</sup> Information provided by the Office for Foreigners since 2020, most recently in February 2024.

<sup>303</sup> Article 6 of the draft law of 8 May 2024, available in Polish [here](#).

<sup>304</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>305</sup> Article 77 Law on Protection.

<sup>306</sup> Article 77 Law on Protection.

<sup>307</sup> Article 3 of the draft law of 4 December 2024, available in Polish [here](#).

<sup>308</sup> Human Rights Commissioner, 'Składanie przez cudzoziemców wniosków pobytowych wyłącznie przez Internet. Opinia Rzecznika', January 2025, available in Polish [here](#).

<sup>309</sup> Para 12(3) of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>310</sup> A. Garbolińska, 'Rodzaje ośrodków dla osób w procedurze uchodźczej w Polsce', 2022, available in Polish [here](#).

<sup>311</sup> Information provided by Office for Foreigners, 26 January 2021.

Under the law, an asylum applicant staying in one centre can be required to move to another facility if this is justified for organisational reasons.<sup>312</sup> Polish authorities interpret this rule as applying mostly to transfers from first-reception centres to an accommodation centre. As a result, asylum applicants are expected to move from the first reception centre to the other centres. In practice, it can take a few to several days (depending on how long the epidemiological filter procedure lasts and whether the interview is conducted in the first reception centre). Afterwards, if they are allocated to one centre, they are very rarely moved to another. If so, it happens mostly upon the request of an asylum applicant. In 2024, out of 256 persons, 73 were allowed to move to another centre. Applicants gave various reasons for request to change centre such as a better location, a close person (friend, family member) staying in another centre, easier access to non-governmental organizations, the labour market, better housing conditions, etc. According to the Office for Foreigners, the refusals were justified inter alia by the temporary impossibility to accommodate in the chosen reception centre or the asylum applicant's withdrawal of the application.<sup>313</sup>

Moving an asylum applicant to another centre without a direct request from the person involved is very rare. In 2024 there were no such cases.<sup>314</sup>

## B. Housing

### 1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres: <sup>315</sup>	9
2. Total number of places in the reception centres:	1,525
3. Total number of places in private accommodation:	Not applicable
4. Type of accommodation most frequently used in a regular procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input checked="" type="checkbox"/> Private housing <input type="checkbox"/> Other	
5. Type of accommodation most frequently used in an accelerated procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input checked="" type="checkbox"/> Private housing <input type="checkbox"/> Other	

At the end of 2024, Poland had nine reception centres which altogether provided 1,525 places. As of 31 December 2024, 853 (compared to 656 in 2023) asylum applicants were residing in the centres. Another 5,254 (compared to 3,493 in 2023) asylum applicants were receiving assistance outside the centres.<sup>316</sup>

In 2024, as in previous years the centres in **Podkowa Leśna-Dębak** and **Biała Podlaska** served as the first reception, where asylum applicants were directed after applying for asylum in order to register and carry out medical examinations. The remaining seven centres were accommodation centres (**Białystok**, **Czerwony Bór**, **Bezwola**, **Łuków**, **Grupa**, **Kolonia-Horbów** and **Linin**).<sup>317</sup>

In 2024, there was no problem of overcrowding in these centres. As of 31 December 2024, the highest occupancy rate was 90.8% in **Bezwola** and 79.7% in **Kolonia Horbów**; the lowest was in **Podkowa Leśna Dębak** – 36.23% (first reception) and **Biała Podlaska** – 37.27% (first reception).<sup>318</sup>

<sup>312</sup> Article 82(1)(6) Law on Protection.

<sup>313</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>314</sup> Ibidem.

<sup>315</sup> Both accommodation and for first arrivals.

<sup>316</sup> Information provided by the Office for Foreigners, 19 February 2025 and 16 February 2024. See also ECRE, 'Seeking Refuge in Poland: A Fact-Finding Report on Access to Asylum and Reception Conditions for Asylum Seekers', April 2023, available [here](#), 22-23.

<sup>317</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>318</sup> Information provided by the Office for Foreigners, 19 February 2025.

Since March 2022, the reception centres for asylum applicants have been serving also as a place for accommodation for some temporary protection beneficiaries. However, only 2 [temporary protection beneficiaries](#) benefited from this accommodation in 2024.<sup>319</sup>

Centres are located in different parts of Poland. One is located in a city (**Białystok**), but most of them are situated in the countryside. **Bezwola**, **Dębak**, **Grupa** and **Linin** are in the woods. These centres are therefore not easily accessible.

Spatial exclusion as a result of the present location of the centres is considered the main problem by some NGOs.<sup>320</sup> Isolation of the centres limits contact with Polish citizens and Polish institutions, including NGOs. It affects the effectiveness of the integration process.<sup>321</sup> In addition, the reception centres are located in areas with a high level of poverty, which hampers the asylum applicant's access to the labour market.<sup>322</sup> Moreover, the isolation of asylum applicants from society negatively affects their psychological state.<sup>323</sup>

## 2. Conditions in reception facilities

### Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum applicants in the reception centres?  
14 – 96 days (depending on the centre)
3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

The Head of the Office for Foreigners is responsible for the management of all the centres. This authority can delegate its responsibility for managing the centres to social organisations, associations, private owners, companies, etc.<sup>324</sup> Currently, 5 reception centres are managed by private contractors, while the remaining ones are directly managed by the Office for Foreigners.

The Office for Foreigners monitors the situation in the centres managed by private contractors daily through the Office's employees working in those centres and through the overall inspections taking place a couple of times a year. In 2024, each centre managed by private contractors was monitored twice. Medical establishments within the centres were monitored too – once every quarter. Once a year, centres were also controlled by firefighters and health authorities.<sup>325</sup>

Conditions in the centres managed by the Office for Foreigners are occasionally monitored by other authorities and entities as well, e.g. the UNHCR, or the Commissioner for Human Rights.

<sup>319</sup> Information provided by the Office for Foreigners, 19 February 2025. For more, see Temporary protection Annex: Housing.

<sup>320</sup> See W. Goszczyński, R. Baczyński-Sielaczek, J. Suchomska, J. Stankowska and M. Wróblewski. 'Lokalne systemy integracji uchodźców – badania' in Fundacja EMIC and Pracownia Zrównoważonego Rozwoju, *Wielogłos. Integracja uchodźców w polskich gminach*, 2016, available (in Polish) [here](#), 58. See also M. Baran-Kurasiewicz, 'Uzyskanie statusu uchodźcy i sytuacja uchodźców w Polsce', *Polityka i Społeczeństwo* 3(19)/2021, 17.

<sup>321</sup> PFM, 'Czas w ośrodku to czas wykluczenia', 2023, available in Polish [here](#), Institute of Public Affairs, 'Analiza przygotowania lokalnych instytucji do przyjęcia uchodźców z programu relokacji i przesiedleń. Raport końcowy z badań fokusowych', 2016, available (in Polish) [here](#), 12-14; Lukaszewicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', *International Migration* Vol. 55 (6) 2017, 65.

<sup>322</sup> Lukaszewicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', *International Migration* Vol. 55 (6) 2017, 61.

<sup>323</sup> A. Garbolińska, 'Rodzaje ośrodków dla osób w procedurze uchodźczej w Polsce', 2022, available in Polish [here](#).

<sup>324</sup> Article 79(2) Law on Protection.

<sup>325</sup> Information provided by the Office for Foreigners, 19 February 2025.



Asylum applicants can complain to the Office for Foreigners about the situation in the centres.<sup>326</sup> In 2023, 22 requests and 14 complaints concerning reception centres were lodged before the Office for Foreigners. They mostly concerned living conditions and staff working in the centres. None of the complaints were considered justified.<sup>327</sup>

The average length of stay of asylum applicants varied between the centres. While the stay in the first reception centres is designed to be short (in 2024, on average, 14 days in Biała Podlaska and 16 days in Podkowa Leśna-Dębak), asylum applicants stayed in accommodation centres, on average, from 47 days (Bezwola) to 96 days (Łuków).<sup>328</sup>

## 2.1. Overall living conditions

Living conditions differ across the reception centres. In the centres managed by private contractors, ensuring certain minimum living conditions standards is obligatory based on agreements between these contractors and the Office for Foreigners. Thus, centres have to have furnished rooms for asylum applicants, a separate common room for men and women, a kindergarten, a space to practice religion, a recreational area, school rooms, and a specified number of refrigerators and washing machines. Other conditions are dependent on the willingness and financial capacities of the contractor. Most often, one family stays in one room, without separate bedrooms or a kitchen. Moreover, usually, the centres do not offer separate bathrooms and kitchens, only the common ones.<sup>329</sup> Persons travelling without their families may be accommodated with other single asylum applicants unknown to them.<sup>330</sup>

None of the centres was built to serve as a reception centre for asylum applicants. Most of them were used for different purposes before, such as army barracks, hostels for workers or holiday resorts.<sup>331</sup>

In general, conditions in the reception centres are considered to be better now than in the past. It results from greater attention given to the living conditions when a contractor for running a centre is being chosen and the renovations conducted in recent years in the centres that are managed by the Office for Foreigners. Despite that, some asylum applicants complain about those conditions, mentioning for instance bed bugs in the rooms.<sup>332</sup> According to the NGOs, asylum applicants generally assess the conditions in the centres as rather low.<sup>333</sup> For example, as recorded in 2023 by Fundacja EMIC, one Afghan national stated that:

The first time we went to Biała Podlaska. Then we were transported to a centre in Bezwola in the Lublin Voivodeship. We spent 2 months there. This centre was in the middle of the forest. Everywhere was far away. There were no shops, no schools. One of my sisters had to go to school, but there was no facility for her in the area. The Grupa was better in this respect, but the conditions were still difficult overall. The biggest problem were bugs - bedbugs. Employees tried to fight them off, but they kept coming back. Sprays and medical supplies didn't work. It was the

<sup>326</sup> Para 17 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>327</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>328</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>329</sup> W. Goszczyński, R. Baczyński-Sielaczek, J. Suchomska, J. Stankowska and M. Wróblewski. 'Lokalne systemy integracji uchodźców – badania' in Fundacja EMIC and Pracownia Zrównoważonego Rozwoju, *Wielogłos. Integracja uchodźców w polskich gminach*, 2016, available (in Polish) [here](#), 63, 67.

<sup>330</sup> A. Garbolińska, 'Rodzaje ośrodków dla osób w procedurze uchodźczej w Polsce', 2022, available in Polish [here](#).

<sup>331</sup> See Lukasiwicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', *International Migration Vol. 55 (6)* 2017, 61.

<sup>332</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 43-45, 60-61.

<sup>333</sup> See i.a. W. Goszczyński, R. Baczyński-Sielaczek, J. Suchomska, J. Stankowska and M. Wróblewski. 'Lokalne systemy integracji uchodźców – badania' in Fundacja EMIC and Pracownia Zrównoważonego Rozwoju, *Wielogłos. Integracja uchodźców w polskich gminach* (2016), available (in Polish) [here](#), 64.



worst. Living conditions were not good either. We got two rooms for six people. There was a doctor, there was also a nurse. Food? Not very good.<sup>334</sup>

Meanwhile, the Office for Foreigners' anonymous survey conducted in 2024 in all reception centres managed by the Office (405 out of 669 asylum applicants living in the centres took part in the survey) showed that asylum applicants living there were overall satisfied with the material reception conditions they received (with a general satisfaction rate of 88.88%). The best-rated centre was Czerwony Bór (satisfaction rate of 97.73%).<sup>335</sup>

Protests or hunger strikes occasionally happen in the reception centres. In January 2022, one hunger strike was reported in the centre in **Grupa**. According to the Office for Foreigners, Afghan nationals protested about the food they were served in the centre, the meagre number of NGOs working in the centre, and the low quality of the support they received from the NGO operating there. They were also afraid of how their life will look like when they will leave the centre. Since then, however, no protests and hunger strikes have taken place in the reception centres.<sup>336</sup>

In every centre, there are two kinds of staff: employees of the Office for Foreigners and other employees (as kitchen aids, cleaners etc.). As of December 2024, there were 28 employees of the Office for Foreigners working directly with the asylum applicants in all the centres.<sup>337</sup> Staff in the centre works from Monday to Friday from 7:00 to 18:00. They are mainly responsible for the administration of the centre, not for social work with asylum applicants. The number of employees of the Office for Foreigners and the scope of their responsibilities are considered insufficient.<sup>338</sup> At night and on weekends only guards are present in the centre. Security staff is available in all centres around the clock.

## 2.2. Activities in the centres

Polish language courses are organised in all reception centres, both for children and adults. Those courses are considered the only integration activity provided by the Office for Foreigners.<sup>339</sup> See more in [Access to Education](#).

In 2024, NGOs carried out some projects in the centres which aimed at providing:

- ❖ Legal assistance – provided in the reception centres, in the NGOs' premises and remotely;
- ❖ Pre-integration activities, which were mostly aimed at children and young people (both education and leisure). Some activities were also addressed to adults, including Polish classes, employment counselling and psychological counselling. In 2024, IOM organised visits by intercultural assistants, lawyers providing legal information, as well as individuals offering social and psychological support.<sup>340</sup>

Five centres have libraries and all centres have internet access.<sup>341</sup>

In all centres, there is a special room designed for religious practices. If asylum applicants want to participate in religious services outside of the centre, they have such a right, although in practice the remoteness from the closest place of worship can prevent them from participating in such services.

<sup>334</sup> Fundacja EMIC, 'Życie Afganek i Afgańczyków w Polsce po dwóch latach od ewakuacji nadal jest bardzo trudne', 15 September 2023, available in Polish [here](#).

<sup>335</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>336</sup> Information provided by the Office for Foreigners, 3 February 2023, 16 February 2024, 19 February 2025..

<sup>337</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>338</sup> See also SIP, 'Raport nt. przeciwdziałania przemocy wobec kobiet i przemocy domowej', 16 September 2021, available in Polish [here](#), mentioning that employees in the reception centres are not social workers and they are not prepared to work with vulnerable persons such as victims of domestic violence. See also M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 64-65.

<sup>339</sup> W. Goszczyński, R. Baczyński-Sielaczek, J. Suchomska, J. Stankowska and M. Wróblewski. 'Lokalne systemy integracji uchodźców – badania' in Fundacja EMIC and Pracownia Zrównoważonego Rozwoju, *Wielogłos. Integracja uchodźców w polskich gminach*, 2016, available (in Polish) [here](#), 69.

<sup>340</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>341</sup> Information provided by the Office for Foreigners, 16 February 2024.

## C. Employment and education

### 1. Access to the labour market

#### Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum applicants? ☒ Yes ☐ No  
❖ If yes, when do asylum applicants have access to the labour market? 6 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum applicants to work in specific sectors? ☐ Yes ☒ No  
❖ If yes, specify which sectors:
4. Does the law limit asylum applicants' employment to a maximum working time? ☐ Yes ☒ No  
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

The law allows for access to the labour market for asylum applicants after six months from the date of submission of an asylum application if a final decision has not been taken within this time and if the delay is not attributed to any fault of the asylum applicant. Experts point out that the fact that asylum applicants cannot work for the first 6 months of the asylum procedure is one of the factors which leads to their lack of independence and reliance on social assistance.<sup>342</sup> This waiting period is also criticised by asylum applicants themselves – especially taking into account low financial allowances they receive.<sup>343</sup>

The Head of the Office for Foreigners upon the asylum applicant's request, issues a certificate, which accompanied by a temporary ID document entitles the asylum applicant to work in Poland.<sup>344</sup> The temporary ID document is valid for 90 days and can be subsequently prolonged for renewable periods of 6 months. The certificate is valid until the day the decision concerning international protection becomes final.<sup>345</sup> However, in practice, if an asylum applicant seeks judicial remedy and the court suspends the enforcement of the negative asylum decision, the certificate regains its validity.<sup>346</sup> In 2024, over 1,200 asylum applicants applied for the certificate (an increase from the 738 requests in 2023). 972 persons received it, while the applications of 330 persons were denied.<sup>347</sup>

Access to employment is not limited to certain sectors but can be challenging in practice. Many employers do not know, that the above-mentioned certificate with a temporary ID document gives an asylum applicant a right to work or do not want to employ a person for such a short time (i.e. up to 6 months, as the employers are unaware that the procedure may actually take longer than the validity of a single temporary ID document), which causes that those certificates have no practical significance.<sup>348</sup> Moreover, the certificate is valid until the asylum decision becomes final, but employers are not informed that such a decision was issued by the Polish authorities, they must trust that the asylum applicants will inform them about it on time.<sup>349</sup> Furthermore, asylum applicants often live in centres which are located far away from

<sup>342</sup> Fundacja EMIC, 'Wielokulturowa Grupa – wyjątkowa miejscowość w naszym województwie', 5 August 2023, available in Polish [here](#).

<sup>343</sup> GRETA, 'Evaluation report: Poland', June 2023, available in English [here](#), 21; PFM, 'Czas w ośrodku to czas wykluczenia', 2023, available in Polish [here](#).

<sup>344</sup> Article 35 Law on Protection.

<sup>345</sup> Article 35 (3) Law on Protection. The Refugee Board's decision is final. If an asylum seeker does not appeal against the decision of the Office for Foreigners, the latter becomes final 14 days following notification of such decision.

<sup>346</sup> Information provided by the Office for Foreigners, 4 March 2021.

<sup>347</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>348</sup> W. Klaus, 'Rozwiązania prawne stosowane w odniesieniu do osób starających się o ochronę w Polsce' in A. Górny, H. Grzymała-Moszczyńska, W. Klaus and S. Łodziński, *Uchodźcy w Polsce. Sytuacja prawna, skala napływu i integracja w społeczeństwie polskim oraz rekomendacje*, PAN 2017, available (in Polish) [here](#), 23.

<sup>349</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szalańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 82-83.

big cities and in areas with a high level of poverty and unemployment in general, which makes it difficult to find a job in practice. Additionally, most asylum applicants do not speak Polish well enough to obtain a job in Poland.<sup>350</sup> Asylum applicants also face the problem of limited recognition of education and skills acquired outside the country,<sup>351</sup> so they are often employed in positions that do not reflect their professional background. Moreover, third-country nationals endure discrimination in employment, e.g. they are offered lower salaries than Polish nationals.

In 2024, access to the labour market of asylum applicants was supported by NGOs operating in the reception centres. Moreover, the Office for Foreigners organised orientation courses in the centres that also covered employment issues.<sup>352</sup>

## 2. Access to education

### Indicators: Access to Education

- |  |   |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice?                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

All children staying in Poland have a constitutional right to education. Education is mandatory until the age of 18. It is provided to asylum-seeking children in regular schools and it is not limited by law. Asylum applicants benefit from education in public schools under the same conditions as Polish citizens until the age of 18 or the completion of higher school.<sup>353</sup> In September 2024, 887 asylum seeking children attended 227 public schools and kindergardens in Poland. 156 among them lived in reception centres.<sup>354</sup>

There are various obstacles to accessing education in practice.<sup>355</sup> The biggest problem is the language and cultural barrier. However, asylum-seeking children are supported by:

- ❖ Polish language courses that are organised in all reception centres;
- ❖ Additional free Polish language classes should be organised by the authority managing the school that asylum applicants are attending. Those classes are organised for a maximum period of 24 months<sup>356</sup> not less than 2 hours a week but max. five hours per week for one child;
- ❖ Right to use additional remedial classes. Those classes are organised for a maximum period of 12 months<sup>357</sup> in the amount of 1 lesson hour per week for a given subject.
- ❖ Basic supplies that are necessary for learning Polish.<sup>358</sup>

<sup>350</sup> Lukaszewicz, K., 'Exile to Poverty: Policies and Poverty Among Refugees in Poland', *International Migration* Vol. 55 (6) 2017, 61, 66. See also M. Pawlak, 'Zatrudnienie' in A. Górka, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce*, Instytut Spraw Publicznych 2019, 35; Fundacja EMIC, 'Życie Afganek i Afganczyków w Polsce po dwóch latach od ewakuacji nadal jest bardzo trudne', 15 September 2023, available in Polish [here](#).

<sup>351</sup> The persisting problem with the recognition of non-EU education and qualifications was confirmed and criticised by the Supreme Audit Office in 2021, see Supreme Audit Office, 'Uznawanie kwalifikacji zawodowych cudzoziemców spoza Unii Europejskiej', April 2021, available in Polish [here](#).

<sup>352</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>353</sup> Article 165 (1) and (2) of Law of 14 December 2016 on education. See also ECRI, 'ECRI Report on Poland (six monitoring cycle)', June 2023, available in English at: <https://bit.ly/4az8MgJ>, 22-23.

<sup>354</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>355</sup> Some problems with late enrollment to schools were reported, see M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 73-74. See also Fundacja EMIC, 'Życie Afganek i Afganczyków w Polsce po dwóch latach od ewakuacji nadal jest bardzo trudne', 15 September 2023, available in Polish [here](#).

<sup>356</sup> Article 165 (7) of Law of 14 December 2016 on education. See also ECRI, 'ECRI Report on Poland (six monitoring cycle)', June 2023, available in English [here](#), 23.

<sup>357</sup> Article 165 (10) of Law of 14 December 2016 on education.

<sup>358</sup> Article 71(1)(f) Law on Protection.

Asylum-seeking children can also participate in compensatory classes:

- ❖ in reception centres;
- ❖ in schools – assistance granted for a maximum of twelve months, max. five hours per week for one child.<sup>359</sup>

According to the Office for Foreigners, in 2024 children were supported in the reception centres in their learning of Polish, by assisting them with homework and compensatory classes.<sup>360</sup>

Overall, Polish language and compensatory classes in schools are considered insufficient. They are either not organised at all or organised for an insufficient amount of time (the limitation of the duration of the support to 5 hours a week is criticised). Moreover, they are not adapted to the individual needs of foreign pupils.<sup>361</sup> At the end of 2023, the Supreme Audit Office informed that in 27 out of 28 schools that it monitored additional Polish language classes were organised. However, it was discovered that nearly 45% of these classes were organised improperly.<sup>362</sup> Data was 2024 was not available as of March 2025.

Schools admitting foreign children often have to cope with a lack of sufficient financial means to organise proper education for this special group of pupils. Moreover, teachers working with foreign children are not receiving sufficient support, like courses and materials.<sup>363</sup> However, some training initiatives are taken up by local and governmental authorities as well as NGOs.<sup>364</sup> For example, in the period of 2020-2023, over 4,000 teachers had some kind of training on working with foreign pupils.<sup>365</sup> More recent research on the matter was not available at the time of writing (March 2025).

If a child cannot enter the regular education system e.g. due to illness, their special needs are supposed to be addressed in a special school. At the end of 2024, 5 asylum seeking children were attending a special school.

NGOs inform that asylum applicants most often complain about the hate speech that their children encounter in school, both from their peers and the staff. The Supreme Audit Office informed in 2020 that 23% parents that they interviewed declared that their children have met with intolerance in school once or twice a year, according to 4% of respondents it was occurring often.<sup>366</sup> More recent research on the matter was not available at the time of writing (March 2025).

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<sup>359</sup> Article 165 (10) of Law of 14 December 2016 on education. See also ECRI, 'ECRI Report on Poland (six monitoring cycle)', June 2023, available in English [here](#), 23.

<sup>360</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>361</sup> ECRI, 'ECRI Report on Poland (six monitoring cycle)', June 2023, available in English [here](#), 23; J. Kościółek, 'Children with Migration Backgrounds in Polish Schools – Problems and Challenges', *Annales Series Historia et Sociologia* 30, 2020, 4, available at: <https://bit.ly/3vBdl8j>, 607. Cf. K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project (#770564, Horizon2020)*, available [here](#), 79; Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) [here](#).

<sup>362</sup> Supreme Audit Office, 'Kształcenie dzieci cudzoziemców w polskich szkołach', 12 December 2023, available in Polish [here](#), 13.

<sup>363</sup> See *inter alia* Ministry of Interior and Administration, 'Polityka migracyjna Polski – diagnoza stanu wyjściowego', available in Polish [here](#), 40; Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) [here](#).

<sup>364</sup> Fundacja EMIC, 'Przyjazna szkoła – integracja i edukacja', 28 December 2022, available in Polish [here](#); Ministry of Education, 'Nauka dzieci przybywających z zagranicy w polskim systemie edukacji', available (in Polish) [here](#), information confirmed by the Ministry of Education and Science, 26 January 2022. See also K. Potoniec, 'Comparative analysis of instruments supporting the integration of pupils under international protection in the educational systems of the Czech Republic, Poland and Hungary', December 2021, available [here](#), 13.

<sup>365</sup> Supreme Audit Office, 'Kształcenie dzieci cudzoziemców w polskich szkołach', 12 December 2023, available in Polish [here](#), 12.

<sup>366</sup> Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) [here](#). See also J. Kościółek, 'Children with Migration Backgrounds in Polish Schools – Problems and Challenges', *Annales Series Historia et Sociologia* 30, 2020, 4, available [here](#), 604.

In both the 2023/2024 and 2024/2025 school years, working with children with migration experience, including teaching Polish as a foreign language, was one of the key areas of implementation of the state's educational policy.<sup>367</sup> However, the current education system does not take into account the special needs of foreign children. As a result, the adaptation of the education programme to the needs and abilities of the individual child is dependent on the goodwill and capacity of teachers and directors. As the Supreme Audit Office highlighted, during the 2021/2022-2022/2023 school years, nearly half of the teachers participating in the survey took part in professional development related to the education of foreign pupils on their own initiative and at their own expense. Moreover, as a factor impeding effective teaching, schools also report the problem of the big fluctuation<sup>368</sup> of the foreign children. Consequently, asylum-seeking and refugee children are disappearing from the Polish education system.<sup>369</sup>

In 2022-2024, the large influx of Ukrainian pupils additionally strained and challenged the Polish educational system (see [Temporary Protection, Access to education](#)).<sup>370</sup>

## 2.1. Preparatory classes

Since 2016, schools have a possibility to organise preparatory classes<sup>371</sup> for foreign children who do not have sufficient knowledge of the Polish language, including asylum applicants. A foreign minor can join preparatory classes anytime during the school year. After the end of the school year, his participation in those classes can be prolonged, when needed, for maximum one more year. The preparatory classes last for 20-26 hours a week. If a school decides to organise such classes, foreign children are not obliged to participate in regular classes. In March 2022, the number of maximum pupils in a preparatory class was raised from 15 to 25 minors and the minimum number of hours for learning the Polish language during a week was increased from 3 to 6 hours.<sup>372</sup> In 2024 the regulation remained the same.

Preparatory classes have been criticised since their introduction into the Polish education system. Some of the main points of criticism are mentioned below. Firstly, children are placed exclusively in foreign classes, thus impeding their integration into Polish society and fuelling separation.<sup>373</sup> Secondly, the preparatory classes were not designed as 'welcome classes' which have their own program, separate from the regular classes and adapted to foreign minors' needs.<sup>374</sup> Thirdly, teachers are obliged to implement the same curriculum in the preparatory classes as in the regular ones, the only difference is that all children in a class are foreign and a teacher can adapt his method of teaching to their special

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<sup>367</sup> The Ministry of Education, 'Podstawowe kierunki realizacji polityki oświatowej państwa w roku szkolnym 2023/2024', 'Podstawowe kierunki realizacji polityki oświatowej państwa w roku szkolnym 2024/2025', available in Polish [here](#) and [here](#).

<sup>368</sup> The Supreme Audit Office, 'Dzieci cudzoziemców w polskich szkołach', available in Polish [here](#).

<sup>369</sup> Institute of Public Affairs, 'Analiza przygotowania lokalnych instytucji do przyjęcia uchodźców z programu relokacji i przesiedleń. Raport końcowy z badań fokusowych', 2016, available (in Polish) [here](#), 57-62; Iglicka, Krystyna, 'Chechen's Lesson. Challenges of Integrating Refugee Children in a Transit Country: A Polish Case Study', Central and Eastern European Migration Review, Vol. 6, No. 2, 2017, available [here](#), 123, 130.

<sup>370</sup> See e.g. SIP, Submission to ECRI, 15 June 2022, available in English [here](#), 3-4.

<sup>371</sup> See Article 165(11-14) of the Law of 14 December 2016 on education and Para 16 Ordinance of the Ministry of National Education of 23 August 2017 on education of persons without Polish citizenship and Polish citizens who learned in schools in other countries (*w sprawie kształcenia osób niebędących obywatelami polskimi oraz osób będących obywatelami polskimi, które pobierały naukę w szkołach funkcjonujących w systemach oświaty innych państw*).

<sup>372</sup> Para 16(2) and (9) Ordinance of the Ministry of National Education of 23 August 2017 on education of persons without Polish citizenship and Polish citizens who learned in schools in other countries (*w sprawie kształcenia osób niebędących obywatelami polskimi oraz osób będących obywatelami polskimi, które pobierały naukę w szkołach funkcjonujących w systemach oświaty innych państw*).

<sup>373</sup> Commissioner for Human Rights, 'Posiedzenie Komisji Ekspertów ds. Migrantów', 12 December 2016, available (in Polish) [here](#) See also K. Kamler, J. Orlikowska, J. Schmidt and J. Szymańska, 'Młodzi migranci w pandemii COVID-19. Raport z badań jakościowych sytuacji uczniów cudzoziemskich w warszawskich szkołach', 2021, available in Polish [here](#) 25-27.

<sup>374</sup> K. Sołtan-Kościelecka, 'Klasy powitalne. Realna szansa na poprawę warunków kształcenia cudzoziemców czy pozorne rozwiązanie?', Biuletyn Migracyjny no. 57, June 2018, available (in Polish) [here](#).



needs.<sup>375</sup> Meanwhile, the program of such classes should concentrate on learning Polish.<sup>376</sup> Moreover, one preparatory class can be organised for children of different ages (e.g. children who qualify for primary school grades I to III can be grouped together in a preparatory class), which means that a teacher may be obliged to implement the curriculum even for three grades at once.<sup>377</sup> Lastly, experts point out that there is no system which would prepare teachers to work in preparatory classes with third-country nationals.<sup>378</sup>

For information on Ukrainian children, see [Annex on Temporary Protection - Access to education](#).

## 2.2. Support of assistants

Foreign children attending Polish schools have the right to assistance provided by a person fluent in the language of their country of origin, employed as a teaching assistant by the school principal. This assistance is provided for no longer than 12 months. Moreover, starting September 1, 2024, schools have the opportunity to employ intercultural assistants. Intercultural assistants provide communication with the school environment, and cooperate with parents and the school.<sup>379</sup> According to the Ministry of Education, candidates are required to have knowledge of the language and culture of the student's country of origin, and in the case of a person who is not a Polish citizen, proficiency in the Polish language at a communicative level.<sup>380</sup> In practice, intercultural assistants as a form of support is not popular for now. Key stakeholders highlight that schools lack sufficient knowledge about the possibility of employing intercultural assistants. They are also unaware of their role, which makes them reluctant to use the assistance of teaching assistants. Lack of funds is also a challenge.<sup>381</sup> However, given the increasing number of foreign children in Polish schools, there is a growing emphasis on the need to employ intercultural assistants.<sup>382</sup>

## 2.3. Kindergarten

In 2024, in most reception centres, some form of kindergarten was organised. In reception centres led by private contractors daycare was provided minimum 5 times a week for 5 hours. In Lnin and Podkowa Leśna Dębak kindergarten services were provided by an entity selected through a tendering procedure.<sup>383</sup>

## 2.4. Educational activities for adults

The law does not provide access to vocational training for asylum applicants. It is considered 'one of the biggest shortcomings of the reception system in the area of education'.<sup>384</sup>

The only educational activities that adults are granted access to are Polish language courses organised in all reception centres. They are open both for asylum applicants living in the centre and outside.

<sup>375</sup> K. Wójcik, 'Więcej cudzoziemców w szkołach', 11 September 2019, available (in Polish) [here](#), Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) [here](#), 47-48.

<sup>376</sup> M. Koss-Goryszewska, 'Edukacja' in A. Górka, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce*, Instytut Spraw Publicznych 2019, 50-51.

<sup>377</sup> J. Kościółek, 'Children with Migration Backgrounds in Polish Schools – Problems and Challenges', *Annales Series Historia et Sociologia* 30, 2020, 4, available [here](#), 607.

<sup>378</sup> M. Koss-Goryszewska, 'Edukacja' in A. Górka, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce*, Instytut Spraw Publicznych 2019, 51.

<sup>379</sup> Article 165 (8) and (8a) of Law of 14 December 2016 on education.

<sup>380</sup> Ministry of Education, 'Odpowiedź na interpelację nr 5125 w sprawie asystentów międzykulturowych', available in Polish [here](#).

<sup>381</sup> Centrum Edukacji Globalnej, UNICEF, 'Uczniowie i uczennice z Ukrainy w polskich szkołach - rok szkolny 2023/2024 Raport z badań jakościowych', available in Polish [here](#).

<sup>382</sup> Polskie Forum Migracyjne, 'Dlaczego polskie szkoły potrzebują asystentek międzykulturowych?' available in Polish [here](#).

<sup>383</sup> Information from the Office for Foreigners, 19 February 2025.

<sup>384</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szalańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 82.

Additionally, Polish language classes for adults are organised in Warsaw for those asylum applicants who receive a financial allowance and do not live in a reception centre. In 2024, there was also a possibility to learn Polish online.<sup>385</sup>

The Polish language course's level is considered insufficient by some NGOs, even if attendees generally evaluated such classes positively.<sup>386</sup>

The Office for Foreigners indicated that asylum applicants actively participate in Polish language lessons. In January 2024, 316 adults and 222 children attended such courses.<sup>387</sup> However, these numbers seem meagre when taking into account the overall number of asylum applicants. Earlier research showed that the low participation rate results, among others, from the fact that asylum applicants are not willing to stay in Poland or are aware that their chances to obtain international protection in Poland are small so they are not motivated to learn the local language. The time of language classes is also not adapted to the needs of working asylum applicants.<sup>388</sup> Other research showed that asylum applicants were unwilling to attend classes, *inter alia*, due to traumatic experiences in their country of origin or the lack of childcare.<sup>389</sup> Moreover, it has been reported that new attendees of language lessons are accepted at all times during the year, which leads to a need to often repeat parts of the course that had already been covered, thereby impeding some students' progress.<sup>390</sup>

Other courses in the centres, including vocational training and integration activities, are organised by NGOs.<sup>391</sup>

## D. Health care

### Indicators: Health Care

- |    |   |   |   |
|----|---|---|---|
| 1. | Is access to emergency healthcare for asylum applicants guaranteed in national legislation?               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No   |
| 2. | Do asylum applicants have adequate access to health care in practice?                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> Limited <input type="checkbox"/> No |
| 3. | Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> Limited <input type="checkbox"/> No |
| 4. | If material conditions are reduced or withdrawn, are asylum applicants still given access to health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited <input type="checkbox"/> No            |

Access to health care for asylum applicants is guaranteed in law under the same conditions as for Polish nationals who have health insurance.<sup>392</sup> Health care for asylum applicants is publicly funded. If an asylum applicant is deprived of material reception conditions or these are limited, they are still entitled to health care.<sup>393</sup> However, amendments in this regard are planned: see section on [Reduction or withdrawal of material reception conditions](#).

Basic health care is organised in medical offices within each of the reception centres. On 1 August 2023, the rules on medical personnel's working hours changed. The GP in the centres have now 3 duty hours per 40 asylum applicants, while the nurse or a paramedic have 7 hours for the same number of possible

<sup>385</sup> Information from the Office for Foreigners, 19 February 2025.

<sup>386</sup> R. Baczyński-Sielaczek, 'Język polski w ośrodkach. Wyniki badania ewaluacyjnego', Instytut Spraw Publicznych 2016, 19-22; information from the Office for Foreigners, 3 February 2023.

<sup>387</sup> Information from the Office for Foreigners, 19 February 2025.

<sup>388</sup> R. Baczyński-Sielaczek, 'Język polski w ośrodkach. Wyniki badania ewaluacyjnego', Instytut Spraw Publicznych 2016, 34.

<sup>389</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szałańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 78-80.

<sup>390</sup> PFM, Czas w ośrodku to czas wykluczenia, 2023, available in Polish [here](#).

<sup>391</sup> Information from the Office for Foreigners, 3 February 2023.

<sup>392</sup> Article 73(1) Law on Protection. In February 2024, a new law was proposed that, *inter alia*, facilitates access to medical assistance for new-borns whose parent(s) seek asylum in Poland.

<sup>393</sup> Articles 76(1) and 70(1) Law on Protection.



patients. Both have 3 hours a week extra for every additional 40 asylum applicants. The GPs work at least two days a week and nurses/paramedics five days a week. In 2024 rules remained the same<sup>394</sup>.

## Psychological assistance

Health care for asylum applicants includes treatment for persons suffering from mental health problems. On 1 August 2023, the rules concerning working hours of psychologists changed. They have now 5 duty hours per 120 asylum applicants and 1 hour a week extra for every additional 50 asylum applicants.<sup>395</sup> Asylum applicants can also be directed to a psychiatrist or a psychiatric hospital. In 2024 the rules remained the same. In 2024, according to the Office for Foreigners, psychological support was provided by four NGOs.<sup>396</sup>

However, the psychological assistance in the reception centres is limited to basic consultations.<sup>397</sup> Some asylum applicants consider psychologists working in the centre as not neutral enough as they are employed (indirectly) by the Office for Foreigners.<sup>398</sup> Furthermore, according to some experts and many NGOs, specialised treatment for victims of torture or traumatised asylum applicants is not available in practice.<sup>399</sup> NGOs still point to the lack of proper treatment of persons with PTSD. The available psychological assistance is considered an intervention, not a regular therapy. There is a shortage of psychologists prepared to work with vulnerable and traumatised asylum applicants.<sup>400</sup> In this regard, it is important to note that the poor mental condition of asylum applicants who end up in reception centres is not only related to their experiences in their country of origin, but also to any previous detention or traumatic experiences at the Polish-Belarusian border. Moreover, there are not enough specialised NGOs that provide psychological consultations and treatment to asylum applicants.<sup>401</sup> As also indicated by one of psychologists associated with an NGO providing psychological consultations in Dębak centre, establishing a therapeutic relationship there is hindered due to the transient nature of the centre.<sup>402</sup>

According to the Office for Foreigners, victims of trafficking, gender-based violence and victims of torture or other forms of psychological and physical violence have access to needed assistance during the asylum proceedings. According to the agreement with Petra Medica (see below), it “is obligatory to make every effort to ensure that gynaecological consultations are provided by doctors of the gender preferred by the asylum seeker”.<sup>403</sup>

## Challenges in access to (quality) medical assistance

<sup>394</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>395</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>396</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>397</sup> See Pachocka, M. and Sobczak-Szelc K., ‘Refugee Protection Poland – Country Report’, Multilevel Governance of Mass Migration in Europe and Beyond Project (Horizon2020), January 2020, available [here](#) 70. The Office for Foreigners claims that those psychologists’ assistance concentrates on psychological support and counselling and also on diagnosis of mental disorders, including PTSD.

<sup>398</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szalańska, ‘Reception Policies, Practices and Responses: Poland Country Report’, 2020, RESPOND Working Papers 2020/45, available [here](#) 71.

<sup>399</sup> See e.g. M. Szczepanik, ‘Right to healthcare and access to medical services for asylum seekers and beneficiaries of international protection in Poland’, May 2017, available [here](#). See also Małgorzata Jaźwińska and Magdalena Sadowska, ‘Osoby, które doświadczyły przemocy’, in SIP, *Prawa cudzoziemców w Polsce w 2019 roku. Raport*, 2020, available in Polish [here](#), 13-14, pointing out that persons who were subject to violence are not properly identified.

<sup>400</sup> Pachocka, M. and Sobczak-Szelc K., ‘Refugee Protection Poland – Country Report’, Multilevel Governance of Mass Migration in Europe and Beyond Project (Horizon2020), January 2020, available [here](#) 71.

<sup>401</sup> M. Szczepanik, ‘Right to healthcare and access to medical services for asylum seekers and beneficiaries of international protection in Poland’, May 2017, available [here](#).

<sup>402</sup> Polskie Forum Migracyjne, ‘Wszyscy wokół cierpią’ May 2024, available in Polish [here](#), 9.

<sup>403</sup> Information provided by the Office for Foreigners, 16 February 2024.

However, there are noticeable problems with access to medical assistance, such as for pregnant women.<sup>404</sup> There is no comprehensive program to support them during the perinatal period, while they are more vulnerable to miscarriages, premature births, breastfeeding issues, or postpartum depression and at the same time, due to cultural reasons, it is difficult for them to ask for help. Therefore, support is often provided by NGO's or other third parties,<sup>405</sup> As one of the asylum applicants describes her pregnancy experience:

Then they moved me to Linin, it was no longer a closed camp, but the care standard there was worse, I was given the same pill for everything. From Linin, I ended up in Dębak. I was alone, feeling worse and worse, until I met a girl from Cameroon, she was pregnant too. And this girl settled in Kraków and then invited me to join her. Thanks to her, I met women from the Foundation, also from Kraków, who helped me when I needed to take care of anything, one brought me a bag of things to the hospital. I also met another Polish woman, she worked in the same building where we were renting a flat. She showed me various videos on the Internet about how to prepare for childbirth; she massaged my belly. I also spoke to a friend I live with. She had already had her baby a few months before me, she already knew a lot, which made me feel a little less scared.<sup>406</sup>

Medical assistance is provided by the private contractor Petra Medica, with whom the Office for Foreigners has signed an agreement to coordinate medical care for asylum applicants. The Office for Foreigners monitors the application of this agreement. A new agreement has been signed on 31 July 2023, despite the long-standing criticism of the services provided by said contractor.<sup>407</sup>

In particular, the quality of medical assistance provided under this agreement has triggered wide criticism.<sup>408</sup> In particular, access to specialised medical care worsened<sup>409</sup> and some asylum applicants are refused access to more costly treatments. Sometimes, only after NGOs' interventions and months of fighting for access to proper medical treatment, asylum applicants were able to receive it. Several cases of refusals of medical treatment, drawing from the SIP's yearly reports, have been described in the previous AIDA reports.<sup>410</sup> The above-mentioned issues were also reported in 2024.

One of the biggest obstacles in accessing health care that asylum applicants face is the lack of intercultural competence and knowledge of foreign languages among doctors and nurses.<sup>411</sup> Petra Medica which is responsible for the provision of medical assistance to asylum applicants is also obliged to ensure interpretation during the medical and psychological consultations, if it is needed. According to the Office for Foreigners, the interpretation services in English, Russian, Ukrainian, Georgian, Persian, Arab, Chechen and Uzbek are available and no complaints have been registered in this regard.<sup>412</sup> However, NGOs have been expressing concerns regarding the availability and quality of the interpretation provided to asylum applicants in connection with medical consultations. In particular, it has been reported that asylum applicants who are not speaking Polish, English or Russian face great difficulties with being provided with medical assistance (they cannot make the needed appointments as the helpline is available

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<sup>404</sup> Polskie Forum Migracyjne, 'Being There is the Most Important Thing Supporting Refugee and Migrant Women in the Perinatal Period the Experiences of the Polish Migration Forum Foundation', available in English [here](#), 16.

<sup>405</sup> Ibid. 49.

<sup>406</sup> Ibid. 55.

<sup>407</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>408</sup> See e.g. HFHR, Input to the EUAA's Asylum Report, February 2023, available in English [here](#), 9.

<sup>409</sup> M. Pachocka, K. Pędziwiatr, K. Sobczak-Szelc, J. Szalańska, 'Reception Policies, Practices and Responses: Poland Country Report', 2020, RESPOND Working Papers 2020/45, available [here](#), 70.

<sup>410</sup> See AIDA, Country Report Poland – 2021 Update, May 2022, available [here](#).

<sup>411</sup> M. Koss-Goryszewska, 'Służba zdrowia' in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce*, Instytut Spraw Publicznych 2019, 43.

<sup>412</sup> Information provided by the Office for Foreigners, 16 February 2024.

only in English and Russian, and they cannot understand a doctor during the appointment, etc.).<sup>413</sup> In 2024, there were no changes in this regard, it continued to be an issue.

Another challenge is the fact that some clinics and hospitals providing medical assistance to asylum applicants are located far away from the reception centres, so an asylum applicant cannot be assisted by the closest medical facility, except for emergencies. The Office for Foreigners noticed that for those asylum applicants living outside the reception centres health care is provided in voivodeship cities and that coordination of visits is conducted by the Petra Medica helpline, where the asylum applicant can learn about the time of the visit and ways to get the prescription.

In 2024, 10 complaints about medical assistance were registered, all were considered unjustified.<sup>414</sup> They concerned *inter alia*:

- ❖ Long waiting times for consultation;
- ❖ Disputing the doctor's diagnosis;
- ❖ Request for refund of a visit the foreigner attended without a referral and without knowledge of Petra Medica

## Polish-Belarusian border

The humanitarian crisis at the Polish-Belarusian border that started in August 2021 and continued in 2024 left many prospective asylum seekers without access to material reception conditions, including medical assistance (see [Access to the territory and pushbacks](#)). For persons stranded at the border, suffering pushbacks to Belarus and violence from both Polish and Belarusian forces, medical assistance was mostly provided by NGOs, activists and independent doctors.<sup>415</sup> The organisation Medecins Sans Frontieres (MSF), once more present at the Polish-Belarusian border since November 2022, assisted 442 persons (until November 2024), including women and children. 39 of these individuals required urgent specialized medical care in the hospital.<sup>416</sup> In 2024, as in previous years, NGOs, doctors and rescue teams still could not reach third-country nationals staying in the closed near-border area (15m from the border) and behind the fence built at the border.<sup>417</sup> MSF mentioned a case of a group of 30 people prevented from entering Poland by the wall in May 2023: 4 needed urgent medical assistance. However, the paramedics were not allowed to access the area.<sup>418</sup>

Moreover, in 2024 the ban on staying in specific areas in the border zone was reintroduced.<sup>419</sup> The area subject to the ban on staying covers a length of 60.67 km of the border, located within the territorial reach of four Border Guard premises. Contrary to the authorities' promises, almost none of the non-governmental organisations were granted permission to enter this area, which made it difficult to provide humanitarian and medical assistance.<sup>420</sup> The only organisation granted access to this zone is MSF. However, in a statement from January 2025, MSF highlighted that its access to the area remains limited, preventing the organisation from providing medical assistance to those in need. Part of the zone remains completely inaccessible to those providing humanitarian or medical assistance. MSF firmly stated that its

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<sup>413</sup> A. Chrzanowska, 'Dostęp do leczenia osób ubiegających się o ochronę międzynarodową' in SIP, *Prawa cudzoziemców w Polsce w 2020 roku. Raport*, 2021, available in Polish [here](#), 74-75. See also HFHR, Input to the EUAA's Asylum Report, February 2023, available in English [here](#), 9.

<sup>414</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>415</sup> See e.g. PRAB, 'Pushbacks at Europe's borders: a continuously ignored crisis', 31 January 2024, available in English [here](#), 12.

<sup>416</sup> Medecins Sans Frontieres, 'Uwięzieni pomiędzy granicami, zagrażające życiu konsekwencje zwiększonej militarystyki i przemocy na granicy polsko-białoruskiej.', January 2025, available in Polish [here](#).

<sup>417</sup> ECRE, 'Seeking Refuge in Poland: A Fact-Finding Report on Access to Asylum and Reception Conditions for Asylum Seekers', April 2023, available [here](#), 14; PRAB, 'What we do in the shadows', May 2023, available in English [here](#), 9.

<sup>418</sup> Medecins Sans Frontieres, 'Death, Despair and Destitution: The Human Costs of EU's Migration Policies', February 2024, available in English [here](#), 29.

<sup>419</sup> PRAB, 'The pushback – disconnect: current and anticipated practice', October 2024, available in English [here](#), 13.

<sup>420</sup> SIP, 'Opposition to Government's Extension of 'No-Go Zone' at Polish-Belarusian Border: Letter Submitted to MIAA' September 2024, available in English [here](#).

restricted presence in the zone is insufficient to address the humanitarian and medical needs in the area.<sup>421</sup>

People crossing the Polish-Belarusian border often required medical assistance, in particular in winter. They were starved, dehydrated, freezing (some with hypothermia), suffering from food poisoning, beaten up by – according to their accounts – Polish or Belarusian officers, and with other injuries, *inter alia* foot and leg injuries resulting walking barefoot or climbing through a wired fence.<sup>422</sup> They are often pushed back to Belarus despite their poor medical condition. For example, in its report concerning October 2023, Grupa Granica mentioned a case of two women who were diagnosed with the first-degree hypothermia, who were pushed back to Belarus.<sup>423</sup> Meanwhile, in May, Grupa Granica informed about a 31-year-old man who was pushed back despite having an injured leg. When he was apprehended by the Polish Border Guard, he received some medical assistance (the RTG was done, his leg was put into a medical splint), but then he was forced to go back to Belarus. Unable to move, he lay alone under the fence for a couple of days. Eventually, when the case became a topic of discussion in national media, the injured third-country national was admitted to Poland and taken to the hospital where he was operated.<sup>424</sup> The pushbacks of the third-country national were deemed unlawful by the court in March 2024.<sup>425</sup> In 2024, Grupa Granica described the pushback of a Syrian man who had a leg injury. Along with him, a man with a heart condition was also attempting to apply for international protection in Poland. After being transported to a Border Guard facility, they were forced to sign a declaration stating that they did not declare a will to seek international protection. According to their account, when they tried to refuse, they were beaten.<sup>426</sup> In April 2024, the story of an Eritrean woman who gave birth alone in a forest on the Polish-Belarusian border was reported. The mother and child were transported to a hospital, where the newborn had to stay in an incubator due to difficulties in maintaining body temperature. According to the woman's statement, she had previously been pushed back twice while being heavily pregnant.<sup>427</sup>

In March 2024, the Border Guard announced the formation of intervention teams. Their task is to conduct search and rescue operations for migrants at the Polish-Belarusian border.<sup>428</sup> However, there is no information indicating that these teams actually fulfilled their role. On the contrary, in 2024, there were still reports of pushbacks of individuals in poor health conditions.

The fence built at the Polish-Belarusian border did not stop third-country nationals from crossing this border but contributed greatly to their increased suffering.<sup>429</sup> As reported by Grupa Granica, many persons suffered injuries while climbing and coming off the fence, including fractures of the bones. Crossing the border through swamps, wetlands and rivers (paths that are now used more due to the construction of the fence) increased the risk of drownings, injuries, hypothermia and – in consequence – death.<sup>430</sup> In January 2025, MSF claimed that:

In the last two years, one-third of MSF patients have suffered injuries from crossing or falling from the border fence, including fractures or deep lacerations. In total, nearly half of the hospital

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<sup>421</sup> Mediciens Sans Frontieres, 'Polska: oświadczenie Lekarzy bez Granic', January 2025, available in Polish [here](#).

<sup>422</sup> See e.g. Mediciens Sans Frontieres, 'Polska: Lekarze bez Granic prowadzą działania na granicy polsko-białoruskiej', 2023, available in Polish [here](#).

<sup>423</sup> Grupa Granica, 'October 2023. Report from the Polish-Belarusian border', November 2023, available in English [here](#), 8.

<sup>424</sup> B. Rumieńczyk, 'Uchodźca z granicy polsko-białoruskiej nareszcie w szpitalu. Ale co z innymi wyrzuconymi za mur?', 8 May 2023, [Oko.press](#), available in Polish [here](#).

<sup>425</sup> HFHR, 'Mężczyzna ze złamaną nogą wywieziony na granicę w bagażniku - kolejny wyrok stwierdzający bezskuteczność pushbacków', 11 March 2024, available in Polish [here](#).

<sup>426</sup> We are Monitoring, Grupa Granica, 'Października 2024. Raport z granicy polsko – białoruskiej' October 2024, available in Polish [here](#).

<sup>427</sup> Stowarzyszenie EGALA, 'Poród w Lesie. Mama i córka są już bezpieczne. April 2024. Available in Polish [here](#).

<sup>428</sup> SG, 'Search and rescue teams in the Border Guard', March 2024, available in Polish [here](#).

<sup>429</sup> SIP, EUAA Asylum Report CSO Input, 6 February 2023, available [here](#), Mediciens Sans Frontieres, 'Death, Despair and Destitution: The Human Costs of EU's Migration Policies', February 2024, available in English at: <https://bit.ly/4cDYIK3>, 29.

<sup>430</sup> PRAB, 'Beaten, punished and pushed back', January 2023, available in English [here](#), 14.

referrals involved individuals requiring hospital care or surgical procedures due to wounds and orthopaedic injuries caused by border barriers.<sup>431</sup>

Over the course of two years, MSF has received 64 requests for medical assistance from at least 123 individuals who were stuck on the other side of the fence and unable to access Poland's border infrastructure, surveillance system, and were being subjected to pushbacks. According to MSF:

Unable to gain direct access to individuals, MSF appealed to the border guard authorities for assistance and to ensure the safety of those affected, in accordance with the rights and responsibilities of these services. However, only a quarter of the calls made to the state authorities resulted in patients being transported to the hospital (a total of 31 people). The rest, over 90 individuals, remained trapped on the eastern side of the barrier, in potentially critical condition, unable to receive urgent medical care.<sup>432</sup>

MSF also highlighted the mental health problems of third-country national they treated at the Polish-Belarusian border in 2024: 'Most of the patients showed signs of psychological distress, with 22 of them being in a very severe mental state.'<sup>433</sup>

In practice, seeking assistance of the ambulance and referrals to hospitals are treated as a measure of last resort, since the Border Guard has been known to take third-country nationals from hospitals and push them back to Belarus.<sup>434</sup> There are reported cases of pushbacks after a person was discharged from hospital. In 2024, the Ombudsman initiated an investigation into the case of a Syrian citizen who was staying in a hospital and was immediately pushed back after being discharged.<sup>435</sup> According to the information from the Ombudsman, he expressed a will to apply for international protection and required medical assistance. According to MSF, in 2024, civil society organisations documented at least 13 cases of pushbacks of patients from medical care facilities in the border region.<sup>436</sup>

In April 2023, following his visit at the Polish-Belarusian border, the UN Special Rapporteur on Human Rights of Migrants remarked: "On both sides of the border, fear of being subjected to further acts of violence or other repercussions, such as pushbacks or detention, has prevented affected migrants from seeking medical and non-medical assistance to address their needs".<sup>437</sup>

Actions of the Polish forces (the Border Guard, but also military) increase even further the risks for health and life of third-country nationals. In the PRAB report, "a case of a Syrian asylum seeker with symptoms of hypoglycaemia who was beaten and suffered fractures after he fainted for his insulin dependency" was mentioned.<sup>438</sup> Despite his medical condition, he was pushed back to Belarus. As reported by Grupa Granica, in November 2023 "a Syrian citizen was shot in the back at the border. Fortunately, the bullet missed the spine and the vital organs. According to his account, he crossed the border with his group through a hole in the fence. They walked a few kilometres into Polish territory where they heard the Polish services. They broke off to flee, the man was shot in the back. (...) The man underwent more than six

<sup>431</sup> Mediciens Sans Frontiers, 'Uwięzieni pomiędzy granicami, zagrażające życiu konsekwencje zwiększonej militarystyki i przemocy na granicy polsko-białoruskiej.', January 2025, available in Polish [here](#).

<sup>432</sup> Ibid.

<sup>433</sup> Ibid.

<sup>434</sup> Grupa Granica, 'October 2023. Report from the Polish-Belarusian border', November 2023, available in English [here](#), 11; PRAB, 'Pushbacks at Europe's borders: a continuously ignored crisis', 31 January 2024, available in English [here](#), 12; Mediciens Sans Frontiers, 'Death, Despair and Destitution: The Human Costs of EU's Migration Policies', February 2024, available in English [here](#), 44.

<sup>435</sup> The Ombudsman, 'The Ombudsman is asking the Border Guard about the fate of the foreigner at the Polish-Belarusian border', April 2024, available in Polish [here](#).

<sup>436</sup> Mediciens Sans Frontiers, 'Uwięzieni pomiędzy granicami, zagrażające życiu konsekwencje zwiększonej militarystyki i przemocy na granicy polsko-białoruskiej.', January 2025, available in Polish [here](#).

<sup>437</sup> 'Visit to Poland - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales', 21 April 2023, available [here](#).

<sup>438</sup> PRAB, 'What we do in the shadows', May 2023, available in English [here](#), 7.



hours of surgery at the University Clinical Hospital in Białystok.”<sup>439</sup> The statements of third-country nationals indicate that the Border Guard frequently used pepper spray against them in 2024.<sup>440</sup> Among the accounts of migrants gathered by the Grupa Granica and We are Monitoring in 2024, there are also numerous stories of violence by the Border Guard, such as kicking, beating, or forcefully pushing through the gate barrier.<sup>441</sup> According to MSF, the number of cases related to intentional violence on Polish and Belarusian territory doubled in 2024 compared to 2023.<sup>442</sup>

In June 2024 Grupa Granica made public information about a 35-year-old Iranian woman with a gunshot wound to her eye that was admitted to a border hospital. She claimed the shot came from a uniformed person on the Polish side of the border, while she was near the fence on the Belarusian side, hungry and seeking food. After being shot, two masked individuals escorted her to Poland and directed her to a hospital. Although the woman did not specifically identify the shooter, she asserted that the individual was a member of the uniformed services on the Polish side.<sup>443</sup>

Between August 2021 and February 2024, at least 55 persons died at the border.<sup>444</sup> For example, HFHR reported in November 2023 that 60 persons were found dead on both sides of the border since the beginning of the crisis in August 2021.<sup>445</sup> In January 2023, the body of a Yemeni doctor was found in the woods near the Polish-Belarusian border. The third-country nationals that were accompanying the ill Yemeni national informed the Border Guard about his location and critical condition. Their requests to send medical assistance were ignored and they were instead pushed back to Belarus. The Yemeni national was found only when another patrol was informed about his serious condition, but he was already dead by then.<sup>446</sup> In 2023, the death of an Ethiopian woman raised particular concerns as reportedly the Polish Police and Border Guard were informed by other third-country nationals about her bad medical condition, but – instead of transporting her to the hospital – they pushed her back to Belarus. The Human Rights Commissioner is investigating this case; however, the Border Guard and Police seem to be unwilling to cooperate.<sup>447</sup> At the end of November 2024, the body of another person was found. It is likely that the man died from hypothermia. The man was reportedly from Eritrea.<sup>448</sup>

The HFPC received information about 374 missing individuals due to the humanitarian crisis on Polish – Belarusian border. As of June 30, 2024, 32 people were confirmed dead since the beginning of crisis in 2021, while 133 individuals were found alive. The status of 151 people remains unverified, and 32 individuals are considered actively missing, with families continuing their search.<sup>449</sup>

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<sup>439</sup> Grupa Granica, ‘November 2023. Report from the Polish-Belarusian border’, December 2023, available in English [here](#), 4.

<sup>440</sup> We are Monitoring, Grupa Granica, ‘I said I want to stay in Poland, 12 months of new government on polish belarusian border’, December 2024, available in English [here](#).

<sup>441</sup> We Are Monitoring, Grupa Granica, ‘12 Months of the New Government in Polish-Belarusian Border Relations’, December 2024, available in English [here](#).

<sup>442</sup> Mediciens Sans Frontiers, ‘Uwięzieni pomiędzy granicami, zagrażające życiu konsekwencje zwiększonej militarystyki i przemocy na granicy polsko-białoruskiej.’, January 2025, available in Polish [here](#).

<sup>443</sup> Grupa Granica, ‘Kobieta postrzelona w oko na granicy. Domagamy się natychmiastowych wyjaśnień’. available in Polish [here](#).

<sup>444</sup> The number provided by: Fundacja Ocalenie, ‘Apel do Premiera’, 9 January 2024, available in Polish [here](#), 2; Amnesty International, ‘Opinia przyjaciela sądu dotycząca wyroku w sprawie udzielania pomocy na granicy polsko-białoruskiej’, 15 December 2023, available in Polish [here](#), Mediciens Sans Frontieres, ‘Death, Despair and Destitution: The Human Costs of EU’s Migration Policies’, February 2024, available in English [here](#), 44.

<sup>445</sup> Information provided by HFHR, see [here](#).

<sup>446</sup> Stowarzyszenie EGALA, ‘Kolejna śmierć’, 14 January 2023, available in Polish [here](#).

<sup>447</sup> Human Rights Commissioner, ‘Śmierć młodej kobiety z Etiopii w lesie na granicy. RPO prosi o wyjaśnienia Policję i Straż Graniczną’, 14 February 2023, available [here](#), and ‘Śmierć obywatelki Etiopii przy granicy. RPO pyta policję, co zrobiła w celu jej odnalezienia i pomocy. Kolejne pismo’, 30 April 2023, available [here](#).

<sup>448</sup> Gazeta Wyborcza, ‘Wstępne ustalenia: migrant odnaleziony przy granicy zmarł z wychłodzenia. To Erytrejczyk.’, available in Polish [here](#).

<sup>449</sup> HFPC, Disappearances on the Polish-Belarusian border. Pushbacks as a factor in enforced disappearances in Poland. available in English [here](#).

The death toll at the Polish-Belarusian border and the risks accompanying crossing this border were also noticed by the UN Special Rapporteur on Human Rights of Migrants:

80. Pushback practices at the border have cost migrants' lives. Continued reports of migrants stranded at the Polish-Belarusian border, especially new arrivals, confirm that harsh border governance measures and the construction of the physical fence have not deterred irregular border crossing attempts but have heightened the risks to migrants and increased their suffering. Serious concerns remain over the physical and mental integrity of all migrants stranded at the Polish-Belarusian border, particularly in view of incoming arrivals and the increasingly harsh circumstances after the installation of the fence, including during winter weather. These conditions may also amount to cruel, inhuman or degrading treatment and may result in violations of the rights to life and security of person.<sup>450</sup>

In an increasing number of judgments issued between 2022 and 2024 courts condemned pushbacks at the Polish-Belarusian border, also in cases concerning pushbacks from Polish hospitals.

- ❖ In judgment no. IV SA/Wa 615/22, the Voivodship Administrative Court in Warsaw considered a case of a Syrian national who was pushed back to Belarus in November 2021 after a short stay in a Polish hospital and in spite of his pleadings for asylum. In Belarus, he was subject to violence from the Belarusian authorities forcing him to go back to Poland. A decision ordering his immediate removal was issued and challenged by the HFHR's lawyer. The court annulled the decision, explaining that the Border Guard did not rigorously assess the factual situation of the third-country national, in particular, the circumstances of his arrival to Poland and his situation upon return. The court highlighted that the principle of non-refoulement still applies at the Polish-Belarusian border.<sup>451</sup>
- ❖ In May 2023, the Voivodship Administrative Court in Białystok issued a judgement concerning a pushback of a third-country national, who was seeking help for an Ethiopian woman in a worsening medical condition. He was apprehended by the Border Guard and pushed back to Belarus. The Border Guard did not search for the ill woman. Her body was found couple days later by the activists. The court considered the pushback to be illegal.<sup>452</sup>
- ❖ In a case decided in March 2024, the Voivodship Administrative Court in Białystok (case no. II SA/Bk 71/24) condemned pushbacks of an Ethiopian national who was firstly forced to go back to Belarus upon his release from the Polish hospital with a leg in a medical splint and a referral for a surgery. When he returned to Poland, he again was hospitalized and a cast was put on his leg. However, once more, he was pushed back to Belarus, despite his pleadings for asylum and inability to walk.<sup>453</sup>
- ❖ Similarly, in judgement no. II SA/Bk 72/24, the Voivodship Administrative Court in Białystok stated that a pushback of an Afghan citizen who had been put a plaster earlier in hospital was illegal and ineffective.<sup>454</sup>
- ❖ A case concerning a pushback from a hospital was also communicated to the Polish government by the ECtHR in June 2022.<sup>455</sup>
- ❖ In June 2024, the case of *R.A. and Others v. Poland* was referred to the Grand Chamber of ECtHR.<sup>456</sup> It concerns 32 Afghan nationals whose requests for international protection were

<sup>450</sup> 'Visit to Poland - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales', 21 April 2023, available [here](#).

<sup>451</sup> HFHR, 'Wojewódzki Sąd Administracyjny w Warszawie uchylił decyzję Straży Granicznej o zawróceniu obywatela Syrii do granicy z Białorusią', 10 June 2022, available in Polish [here](#).

<sup>452</sup> Voivodship Administrative Court in Białystok (Wojewódzki Sąd Administracyjny w Białymstoku), judgment of 30 May 2023, no. II SA/Bk 244/23, described here: PRAB, 'Surprisingly surprised', September 2023, available in English [here](#), 16; and here: HFHR, 'Prosił o pomoc dla umierającej towarzyszkę podróży, został wywieziony do Białorusi. Sąd uznał, że wywózka obywatela Etiopii była niezgodna z prawem', 3 July 2023, available in Polish [here](#).

<sup>453</sup> HFHR, 'Mężczyzna ze złamaną nogą wywieziony na granicę w bagażniku - kolejny wyrok stwierdzający bezskuteczność pushbacków', 11 March 2024, available in Polish [here](#).

<sup>454</sup> Voivodship Administrative Court in Białystok (Wojewódzki Sąd Administracyjny w Białymstoku), judgment of 05 March 2024, no. II SA/Bk 244/23, available in Polish [here](#).

<sup>455</sup> Applications nos. [52405/21](#) and [53402/21](#) K.A. and M.A. and Others against Poland.

<sup>456</sup> ECtHR, available in English [here](#).



ignored. They were trapped in border zone without food, water, medical assistance, or shelter for weeks. In February 12, 2025, the Grand Chamber heard arguments in the case.<sup>457</sup>

## E. Special reception needs of vulnerable groups

### Indicators: Special Reception Needs

1. Is there an assessment of the special reception needs of vulnerable persons in practice?

☐ Yes ☒ Limited ☐ No

Persons who need special treatment are defined particularly as:<sup>458</sup>

- |                                 |   |
|---------------------------------|---|
| 1. Minors                       | 7. Seriously ill  |
| 2. Disabled people              | 8. Mentally disordered people   |
| 3. Elderly people               | 9. Victims of torture   |
| 4. Pregnant women               | 10. Victims of violence (psychological, psychical, including sexual). |
| 5. Single parents               |   |
| 6. Victims of human trafficking |   |

An asylum applicant is considered a person who needs special treatment in the field of material reception conditions if there is a need to:

- ❖ Accommodate them in a reception centre adapted to the needs of disabled people or ensure a single room designed only for women or women with children;
- ❖ Place them in special medical premises (like a hospice);
- ❖ Place them in foster care corresponding to the psychophysical situation of the asylum applicant;
- ❖ Adapt their diet to his or her state of health.<sup>459</sup>

If an asylum applicant is a person who needs special treatment, their needs concerning accommodation and alimentation are taken into account when providing material reception conditions.<sup>460</sup> An asylum applicant who needs special treatment should be accommodated in the reception centre by taking into account his special needs.<sup>461</sup>

The Border Guard ensures transport to the reception centre and – in justified cases – food during the transport after claiming asylum only to: disabled or elderly people, single parents and pregnant women.<sup>462</sup> The same groups can benefit from this transport after the Dublin transfer and release from a detention centre.<sup>463</sup> By law, other vulnerable asylum applicants cannot benefit from organised transport, they must get to the reception centre by themselves, which is considered ‘a gap in asylum system’.<sup>464</sup> In practice, the transport for persons with disabilities or elderly people, single parents and pregnant women is provided rarely (see [Criteria and restrictions to access reception conditions](#)).

There are no separate accommodation centres for asylum applicants with mental health issues, or other vulnerable persons (except women, see below). However, in 2024 some individuals needing special treatment were accommodated in special premises. This included nursing homes and rehabilitation care centres (individuals living alone who required assistance with daily functioning) nursing and medical care institutions or hospices (individuals who required special accommodation due to their health condition, but did not need hospitalisation).<sup>465</sup>

<sup>457</sup> SIP, ‘R.A. and Others v. Poland – What’s at Stake?’, 19 February 2025, available in English [here](#).

<sup>458</sup> Article 68(1) Law on Protection.

<sup>459</sup> Article 68(2) Law on Protection.

<sup>460</sup> Article 69a Law on Protection.

<sup>461</sup> Para 5(3) Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>462</sup> Article 30(1)(8) Law on Protection.

<sup>463</sup> Article 40a and Article 89cb Law on Protection.

<sup>464</sup> Pachocka, M. and Sobczak-Szelc K., ‘Refugee Protection Poland – Country Report’, Multilevel Governance of Mass Migration in Europe and Beyond Project (Horizon2020), January 2020, available [here](#), 73.

<sup>465</sup> Information provided by the Office for Foreigners, 19 February 2025.

In 2023, Special Rapporteur on the human rights of migrants, Felipe González Morales, published a report concerning his visit in Poland in 2022, when he visited several detention centres and the Biała Podlaska reception centre. The Rapporteur recommended using reception facilities rather than guarded centres in case of unaccompanied children, children with their families, pregnant women and persons with mental health conditions. He also suggested redirecting financial resources used at the time for building new detention centres in Poland “to invest in alternative reception and care centres for children, including family inclusive centres”.<sup>466</sup> At the moment (March 2025), there is no information regarding the planning of new centres, except for the one for women and children (see below).

## 1. Reception of women and children

The centre in Warsaw hosting exclusively single women or single women with children was closed in August 2021. Thus, since then, single women with children have been accommodated in **Podkowa Leśna-Dębak** reception centre (in a separate, renovated for that purpose, building within the complex, offering 138 places). The Office for Foreigners plans to open a new centre for single women and women with children in **Jachranka**.<sup>467</sup> As of December 2024 the centre had not open yet.

The law facilitates living outside the centre for single women. As the Law on Protection specifies, financial allowance is granted when it is necessary in order to ensure the safety of the asylum applicant, with special consideration given to the situation of single women.<sup>468</sup>

When providing material reception conditions to children, the need to safeguard their interests should be taken into account, especially taking into consideration family unity, the best interests of the child and their social development, security and protection (particularly if they are a victim of human trafficking) and their opinion according to their age and maturity.<sup>469</sup>

Since 2008, the Office for Foreigners has a special agreement with the Police, UNHCR, “La Strada” Foundation and Halina Niec Legal Aid Centre aiming to better identify, prevent and respond to gender-based violence in reception centres.<sup>470</sup> Special teams have been created for all reception centres, consisting of one representative from the Office for Foreigners, the Police and an NGO. Their task is to effectively prevent acts of violence in reception centres and quickly respond to any which do occur. In 2024, approx. 34 cases of violence (any violence, not only gender-based) were discussed by the special teams. According to the Office for Foreigners, they concerned violations of the rules of stay in the reception centre, conflicts between adults living in the centres, domestic violence, conclusion of a marriage with a minor, suspicions of sexual violence against a child, suspicions of rape, peer violence and aggressive behaviour towards the centre's staff.<sup>471</sup>

In 2021, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) welcomed the tripartite teams, but noticed ‘the low number of reported cases of gender-based violence within reception facilities. Moreover, it regretted that ‘specialist intervention in cases of domestic violence under the Blue Card procedure is not available to asylum-seeking women under the Law on Combating Family Violence. In practice, it was reported to GREVIO that some reception centres have established cooperation with municipalities to run Blue Card procedures, but this seems to depend on individual initiatives and no data were made available on the number of women seeking asylum

<sup>466</sup> ‘Visit to Poland - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales’, published in April 2023, available in English [here](#), 17.

<sup>467</sup> Office for Foreigners, ‘Handbook of the Department of Social Assistance’, 2022, available [here](#), Information provided by the Office for Foreigners, 26 January 2022, 3 February 2023 and 16 February 2024.

<sup>468</sup> Article 72(1)(1) Law on Protection.

<sup>469</sup> Article 69b Law on Protection.

<sup>470</sup> *Porozumienie w sprawie standardowych procedur postępowania w zakresie rozpoznawania, przeciwdziałania oraz reagowania na przypadki przemocy seksualnej lub przemocy związanej z płcią wobec cudzoziemców przebywających w ośrodkach dla osób ubiegających się o nadanie statusu uchodźcy*, 25 March 2008. See also Office for Foreigners, ‘Handbook of the Department of Social Assistance’, 2022, available [here](#).

<sup>471</sup> Information provided by the Office for Foreigners, 19 February 2025.

covered by such a procedure'.<sup>472</sup> Moreover, it is highlighted that the Office for Foreigners' employees in the reception centres are not social workers; thus, they are not trained to deal with crises and to work with vulnerable persons such as victims of domestic violence.<sup>473</sup> However, the Office for Foreigners opposed those claims, pointing to several trainings conducted for the centres' staff, including cleaners and security services, by NGOs (Fundacja Dajemy dzieciom siłę, La Strada).<sup>474</sup> Moreover, the Office for Foreigners stated that the victims of domestic violence are separated from the perpetrators by accommodating them in the reception centre for women and children in Podkowa Leśna-Dębak.<sup>475</sup>

In 2024, as stated by the Office for Foreigners, all persons asking to enter the reception centres to work with minors were checked in the Sexual Offenders' Registry. None of them was identified in this registry.<sup>476</sup> Moreover, in 2024, a document entitled 'Child Protection Policy Against Harm in Centers for Foreigners Managed by the Office for Foreigners' was developed. The document includes, among others, guidelines for staff on preventing the violation of children's rights in reception centres, as well as guidelines on the principles for taking intervention measures in the event of a detected threat to a child's safety.<sup>477</sup>

## 2. Reception of unaccompanied children

The only safeguards related to the special reception needs of unaccompanied children are those referring to their place of stay. Unaccompanied children are not accommodated in the reception centres. The custody court places them in a youth care facility, so unaccompanied children are not accommodated with adults in practice. Until the court decides on placing a child in a regular youth care facility, an unaccompanied child stays with a professional foster family functioning as an emergency shelter or in a youth care facility for crisis situations.<sup>478</sup>

The law also refers to qualified personnel that should undertake activities in the asylum procedures concerning unaccompanied children (a defined profile of higher education, and 2 years of relevant experience).<sup>479</sup>

When providing material reception conditions to children, the need to safeguard their interests should be taken into account, especially taking into consideration family unity, the best interests of the child and their social development, security and protection (particularly if they are a victim of human trafficking) and their opinion according to their age and maturity.<sup>480</sup>

Currently, unaccompanied asylum-seeking children can be placed in youth care facilities throughout the country. In 2024 they were accommodated in:

- |                                   |  |
|-----------------------------------|--|
| ❖ Warsaw (6 children placed),     | ❖ Przemyśl (2 child placed)                |
| ❖ Augustów (5 children placed),   | ❖ Siedlce (2 children placed),             |
| ❖ Białowieża (4 children placed), | ❖ Poznań (1 child placed),                 |
| ❖ Rzeszów (4 children placed),    | ❖ Stoczek Łukowski (1 child placed),       |
| ❖ Białystok (3 children placed)   | ❖ Gdańsk (1 child placed),                 |
| ❖ Łódź (3 child placed)           | ❖ Zambrów (1 child placed). <sup>481</sup> |
| ❖ Komarno (3 child placed),       |  |

<sup>472</sup> GREVIO, '(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) POLAND', 2021, available [here](#), 84.

<sup>473</sup> SIP, 'Raport nt. przeciwdziałania przemocy wobec kobiet i przemocy domowej', 16 September 2021, available in Polish [here](#) SIP, 'Alternative report', 10 September 2020, available in English [here](#), 6.

<sup>474</sup> Information provided by the Office for Foreigners, 26 January 2022.

<sup>475</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>476</sup> Information provided by the Office for Foreigners, 3 February 2023.

<sup>477</sup> Office for Foreigners, 'Polityka ochrony dzieci przed krzywdzeniem w ośrodkach dla cudzoziemców prowadzonych przez UdSC' December 2024, available in [Polish here](#).

<sup>478</sup> Article 62 (2) Law on Protection.

<sup>479</sup> Article 66 Law on Protection.

<sup>480</sup> Article 69b Law on Protection.

<sup>481</sup> Information provided by the Office for Foreigners, 19 February 2025.

Finding a place in youth care facilities for unaccompanied asylum-seeking children can be challenging. In 2024, there were situations where an emergency shelter or a youth care facility for crisis situations refused to accept a child brought by police or border guards on an intervention basis. Media reported on a situation where children from the Polish-Belarusian border were placed in a retirement home for priests because no other facility was willing to accept them.<sup>482</sup> There are justified doubts as to whether this was done in accordance with the law, as well as whether the place met the required standards. The problem concerns particularly children who crossed the Polish – Belarusian border. In 2024 The Ombudsman and the Ombudsman for Children Rights issued a joint statement<sup>483</sup> in which they indicated that situations where, for many days, the responsible institutions are unable to identify a facility that a child with refugee experience could benefit from are unacceptable. Therefore, the Ombudsmen pointed to the urgent need to introduce new forms of foster care into the law, such as emergency shelters, where only unaccompanied foreign minors would be placed.

### 3. Persons with disabilities

Some reception centres are adapted to the needs of asylum applicants with disabilities. All the centres managed by the Office for Foreigners have a special entry for persons with disabilities and bathrooms adapted to the needs of the asylum applicants on wheelchairs. Some other centres have made minor adaptations to address their needs. There is also a provision of rehabilitation services to this group. The Office for Foreigners declares that it provides transport for medical examinations and rehabilitation services as well as specialist equipment when needed.<sup>484</sup> Despite that, the Human Rights Commissioner observed that the centre's preparedness to house people with disabilities was limited.<sup>485</sup> In 2024 and 2023, some adaptations to the needs of persons with disabilities were introduced in the centre in Podkowa Leśna-Dębak, Czerwony Bór, Biała Podlaska and Linin - elements that hindered access to the ramp have been removed. The adaptations also included the installation of contrasting markings on the glass elements of the entrance doors and inside the building, the placement of pictograms/stickers on the doors informing about the possibility of entry with an assistance dog, contrasting markings on the first and last step in each staircase inside the building, the purchase of induction loops for the service of people with hearing impairments along with appropriate markings, the purchase of equipment for the evacuation of people with limited mobility, and the creation of parking spaces for people with disabilities.<sup>486</sup>

### 4. Victims of trafficking

In 2023, GRETA published its evaluation report concerning Poland (third round).<sup>487</sup> The report notices that there is still no National Referral Mechanism in Poland. In this context, GRETA states that it should be possible for “specialised NGOs to have regular access to facilities for asylum seekers”. Asylum-seeking victims of human trafficking informed GRETA that they regretted not being allowed to work for first six months of the procedure and the low financial allowance they received.

Moreover, the report states, that: “Staff of the Office of Foreigners, which are responsible for determining asylum applications, follow the “Algorithm for dealing with a person who has applied for refugee status and is potentially a THB victim”. If they suspect that a person is a victim of trafficking, they refer the case to the Border Guard for identification. The Office for Foreigners has appointed a THB co-ordinator. (...)”.<sup>488</sup> The Office for Foreigners added that, if the person concerned is (initially) confirmed to be a human

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<sup>482</sup> Radio Tok FM, 'What did the children from the Polish-Belarusian border do in the priests' house? 'We found out after the fact', November 2024, available in polish [here](#).

<sup>483</sup> The Human Rights Ombudsman and the Children Rights Ombudsman, 'The Children Rights Ombudsman and The Human Rights Ombudsman jointly appeal to the Prime Minister. This concerns migrating unaccompanied children', November 2024, available in Polish [here](#).

<sup>484</sup> Information from the Office for Foreigners, 26 January 2022.

<sup>485</sup> ECRE, 'Seeking Refuge in Poland: A Fact-Finding Report on Access to Asylum and Reception Conditions for Asylum Seekers', April 2023, available [here](#), 25.

<sup>486</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>487</sup> GRETA, 'Evaluation report: Poland', June 2023, available in English [here](#), 6,10, 21, 55, 56.

<sup>488</sup> Ibid., 55.

trafficking victim he/she is offered with a possibility to live in an accommodation organised by La Strada Foundation.<sup>489</sup>

According to GRETA: “The number of victims of THB identified among persons seeking international protection remains low: two in 2017 (a woman from Cameroon and a woman from Mongolia, both victims of sexual exploitation; one in 2018 (a man from Vietnam), and two in 2020 (from Ukraine and Moldova). Nine persons were granted subsidiary protection in 2019 after being identified as presumed victims of THB (six unaccompanied girls and three women). In 2021, three presumed victims of THB were identified, two of whom absconded; the third one, a woman from Cameroon, was released from the immigration detention centre after identification as a victim of THB.”<sup>490</sup>

With regard to the humanitarian crisis at the Polish-Belarusian border, the GRETA report states: “The Polish authorities reported that the Border Guard had identified three children (two Congolese girls and one Guinean boy) as victims of THB among the migrants who crossed the border from Belarus, and that they were referred to KCIK for assistance.”<sup>491</sup> The report concludes in this respect:

236. GRETA stresses that pushbacks impede the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Poland’s compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of non-refoulement.

237. While recognising the serious challenges faced in relation to the situation at the border with Belarus, GRETA urges the Polish authorities to review the legislation in order to ensure that pre-removal risk assessments prior to all forced removals from Poland fully assess the risks of trafficking or re-trafficking on return, in compliance with the obligation of non-refoulement. The Polish authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA’s Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection.<sup>492</sup>

According to the Office for Foreigners, if an asylum applicant is identified as a potential victim of human trafficking during their stay in a reception centre, such information is forwarded to the Human Trafficking Coordinator at the Office. Moreover, the relevant division of the Border Guard Headquarters is informed. If the Border Guard confirms the preliminary identification of the person as a victim of human trafficking, the case is referred to the National Intervention and Consultation Centre for Victims of Human Trafficking (KCIK) and to the La Strada Foundation. With the consent of the foreigner, they may be placed in a specialised facility operated by the La Strada Foundation. As long as the procedure for granting international protection is pending, the foreigner is entitled to financial support to cover their living expenses in Poland, as well as medical and psychological care provided by the Head of the Office for Foreigners.<sup>493</sup>

## F. Information for asylum seekers and access to reception centres

### 1. Provision of information on reception

The Border Guard, upon admitting the asylum application, has to inform the applicant in a language understandable to them and in writing about i.e. the asylum procedure itself, the asylum seeker’s rights, obligations, and the legal consequences of not respecting these obligations, as well as the extent of the

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<sup>489</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>490</sup> GRETA, ‘Evaluation report: Poland’, June 2023, available in English [here](#), 55.

<sup>491</sup> Ibid., 10.

<sup>492</sup> Ibid., 52.

<sup>493</sup> Information provided by the Office for Foreigners, 19 February 2025.



material reception conditions. It also provides the asylum seeker with the address of the centre to which they have to report.<sup>494</sup> According to the Border Guard, it is provided in 24 languages.<sup>495</sup>

Upon admission to the centre, asylum seekers receive (in writing or in the form of an electronic document, in a language understandable to them) the rules of stay in the centre (set in law), information about their rights and obligations (which includes all the basic information, including on access to the labour market or on their legal status), information on regulations governing the provision of material reception conditions and about procedures used in case of the person has been subjected to violence, especially against minors.<sup>496</sup> Moreover, the rules of stay in the centre shall be displayed in a visible place on the premises of the centre, in Polish and in languages understandable to the asylum seekers residing in the centre.<sup>497</sup> In the reception centres new-coming asylum seekers could also participate in a course on basic information about Poland and the asylum procedure. In 2024, the courses were organised in different languages, mostly English and Russian, for two age groups: children and adults. In the first-reception centres, they were organised once a week, in the accommodation centres – once for two weeks.<sup>498</sup>

It is not envisaged in the legislation which languages the rules of stay in the centre, information about rights and obligations and regulations governing the provision of material reception conditions should be translated into. It states that information has to be accessible “in an understandable language”. The rules of stay in the centre and the above-mentioned information issued on the basis of the current law were translated in practice into English, Russian, Arabic, Pashto, Dari, French, Georgian, Belarusian and Ukrainian.<sup>499</sup>

The Office for Foreigners claims that the centres’ employees speak English and Russian and that they can use online translators to communicate with other asylum applicants.<sup>500</sup> However, NGOs still consider interpreters’ assistance in the reception centres insufficient, both in terms of the languages offered and in terms of quality.

In 2024, the Office for Foreigners launched a mobile application for foreigners in the asylum procedure. The app provides access to up-to-date information about the asylum process in Poland, including information about reception.<sup>501</sup>

## 2. Access to reception centres by third parties

### Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
- ☐ Yes ☒ With limitations ☐ No

Asylum applicants staying in the centres have the right to be visited by family members, legal advisers, UNHCR, NGOs, etc. in the rooms intended for that purpose.<sup>502</sup>

Asylum applicants may receive visits in the centre from 9:00 to 16:00 in a place agreed upon with the employee of the centre. In particularly justified cases, the visiting hours in the centre may be prolonged upon permission of the employee of the centre, but not later than 22:00.<sup>503</sup>

<sup>494</sup> Article 30(1)(5) Law on Protection.

<sup>495</sup> Information provided by the Border Guard, 17 January 2023.

<sup>496</sup> Para 3 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>497</sup> Para 18 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>498</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>499</sup> Information provided by the Office for Foreigners, 3 February 2023.

<sup>500</sup> Information provided by the Office for Foreigners, 16 February 2024. See also Fundacja EMIC, ‘Wielokulturowa Grupa – wyjątkowa miejscowość w naszym województwie’, 5 August 2023, available in Polish [here](#).

<sup>501</sup> The Office for Foreigners, ‘Aplikacja dla cudzoziemców w procedurze uchodźczej’, 19 April 2024, available in Polish [here](#).

<sup>502</sup> Paras 7-9 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>503</sup> Para 9 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

Each entry of a non-resident into the premises of the centre requires the permission of:<sup>504</sup>

- ❖ The employee of the centre in the case of asylum applicants receiving social assistance, other than living in this centre;
- ❖ The Head of the Office for Foreigners in other cases.

The Head of the Office for Foreigners or an employee of the centre can refuse to give permission to enter the centre or withdraw it if this is justified regarding the interest of the third country national or necessary to ensure the safety or for epidemiological and sanitary reasons.<sup>505</sup> No NGO was refused entry to the reception centres in 2024.<sup>506</sup>

The above-mentioned rules do not apply to the representatives of the UNHCR, who may enter the centre anytime provided that the staff of the centre was notified in advance.<sup>507</sup> As regards NGOs, whose tasks include the provision of assistance to asylum applicants, and entities which provide legal assistance to asylum applicants, the Head of the Office for Foreigners may issue a permit to enter the centre for the period of their activities performed for asylum applicants residing in the centre.<sup>508</sup>

According to the Office for Foreigners, all persons asking to enter the reception centres are checked in the Sexual Offenders' Registry. The verification process varies depending, among other factors, on the individual's citizenship. When submitting an application for permission to enter the facility, organisations are required to attach confirmation that the verification of their representatives, to whom the application pertains, has been carried out correctly. These confirmations are submitted under penalty of criminal liability for making a false statement.<sup>509</sup>

Asylum applicants have access to information about entities providing free legal assistance. During their stay in the centre, asylum applicants communicate with legal advisers, UNHCR or NGOs mainly by phone, fax, e-mail, etc. Seven out of nine centres are located in small villages, far away from big cities, where most of the legal advisers, UNHCR and NGOs in Poland have their premises, and accessing them can be problematic. As a result, asylum applicants are often contacted only remotely, especially when NGOs do not have the funds for travelling to these centres.

In 2024 voluntary assistance in centres for foreigners was provided as part of activities carried out by NGOs. Volunteers also provided support through employee volunteering, renovating a room in the centre in Linin (with the involvement of the ORLEN Foundation and TVN Warner Bros. Discovery).<sup>510</sup>

## G. Differential treatment of specific nationalities in reception

Ukrainian nationals and other persons fleeing the war in Ukraine have received a differential treatment as regards reception in Poland in 2022-2024. However, as they were benefiting from temporary protection rather than international protection, their reception is described in more detail in the [Annex on temporary protection](#). Ukrainian nationals and other persons fleeing the war in Ukraine who applied for international protection had the same access to material reception conditions as all the other asylum applicants.

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<sup>504</sup> Para 7.2 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>505</sup> Para 7.5 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>506</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>507</sup> Para 7.6 and 7.7 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>508</sup> Para 7.4 of the Annex to the Regulation on rules of stay in the centre for asylum seekers.

<sup>509</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>510</sup> Information provided by the Office for Foreigners, 19 February 2025.



## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2024:	No data available
2. Number of asylum seekers in detention at the end of 2024:	399
3. Number of detention centres at the end of the year:	5
4. Total capacity of detention centres (at the end of 2024):	805

As of 1 July 2024, 498 third country nationals were currently placed in detention centres.<sup>511</sup> The duration of the detention period varied. Depending on the place of deprivation of liberty, it ranged from on average 110 days<sup>512</sup> to over 163 days.<sup>513</sup>

As of April 2025, there are 5 detention centres. Men were placed in **Białystok**, (**Krosno Odrzańskie** is closed for renovation since September 2024), **Biała Podlaska**, **Przemyśl** and **Kętrzyn**. **Lesznów** was for unaccompanied minors, families with children and single women.

Furthermore, the Border Guard placed migrants directly stopped at the Polish-Belarusian border in two of its stations (in **Dubicze Cerkiewne** and **Połowce**),<sup>514</sup> defined as “centres for foreigners’ registration” (Centrum **Rejestracyjne Cudzoziemców**). These facilities are very similar to detention centres, as the individuals held in such facilities do not have access to the Internet, computers or phones. Additionally, they cannot access legal assistance, as they are left without any possibility to communicate with the outside world or leave these premises at any time. Moreover, the living conditions were critical, for example, people were sleeping in one big room on the mattresses on the floor.

It is not possible to estimate the length of detention for third country nationals who were detained in more than one centre, as detention centres have separate registration systems.

On 13 August 2021, a new amendment was introduced to the Ordinance of the Ministry of Interior and Administration of 24 April 2015 on the guarded centres and detention centres for foreigners which allows now to place detainees in a dedicated room for third-country nationals or in a residential cell the area of which is not less than **2 sqm** per person:

- ❖ in the case of no vacancies in rooms for foreigners,
- ❖ for a specified period of time,
- ❖ not longer than 12 months.<sup>515</sup> This regulation is still in force, although the CPT recommended to restore the minimum standard of living space to 4 m<sup>2</sup> per detainee in multiple-occupancy rooms in guarded centres for foreigners.<sup>516</sup>

There were cases of overcrowding in 2024 in **Kętrzyn**, **Przemyśl** and in **Biała Podlaska**.<sup>517</sup>

Third country nationals are obliged to pay for their stay in a detention centre with the fee calculated on the basis of an algorithm, set in the Act on Foreigners.

<sup>511</sup> Letter of Border Guards Headquarters, 7 March 2025.

<sup>512</sup> Letter of Nadwiślański Border Guard Unit, 7 February 2025.

<sup>513</sup> Amnesty International, *Poland: Cruelty Not Compassion, At Europe’s Other Borders*, 11 April 2022, available [here](#); Information from different branches of Border Guards; information form HFHR, March 2023; Letter of Border Guard in Bieszczadzki Border Guard Unit, 25 February 2025.

<sup>514</sup> RPO, ‘KMPT ad hoc visit to the Border Guard post in Narewka’, 25 March 2022, available in Polish [here](#).

<sup>515</sup> Previously, the minimum was 4 sqm.

<sup>516</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>517</sup> Information provided by the of Bieszczadzki Border Guard Unit, 24 February 2025, Warmińsko-Mazurski Border Guard Unit, 6 February 2025, Nadbużański Border Guard Unit, 6 February 2025.

It is worth noting that asylum seekers from Syria, Yemen, Afghanistan, Eritrea, Ethiopia, Somalia, Sudan were still placed in detention in 2024 even though Poland suspended deportations to these countries and presented a high recognition rate for these nationalities in 2024.<sup>518</sup> These nationalities are granted international protection or released by the Head of the Office for Foreigners from detention centre, despite the fact that in many cases, courts had prolonged their stay.<sup>519</sup>

According to NGOs, Border Guards at the border continue to ignore migrants' requests for international protection. It also happens that asylum applications are not registered immediately in detention centres.<sup>520</sup>

Still in 2024, foreigners were routinely strip searched in border guards premises, and this was carried out without respecting the requirement for a two-stage approach, set by law, in order to ensure that the detainee was never fully naked.<sup>521</sup>

Migrants and asylum seekers claim that there are no interpreters present on regular basis in detention centres (i.e. Arabic and Kurdish), which impacts their access to information while being detained.<sup>522</sup> Moreover, in some detention centres, employees of the Border Guard help in the translation between the foreigner and medical staff.<sup>523</sup> In some cases other foreigners participate as interpreter with the consent of the examined person.<sup>524</sup> The CPT recommended that greater efforts be made in the guarded centres visited (and, if relevant, in all other detention facilities for foreigners) to improve staff's training in languages commonly spoken by detained foreign nationals, and in inter-cultural communication. Furthermore, the staff should be instructed to avoid using impersonal modes of communication (numbers) and address foreign nationals by their names.<sup>525</sup>

The CPT also recommended to review the complaints' procedures at the guarded centres to make sure that detained foreigners are effectively enabled to send complaints in a confidential manner and are duly informed of this possibility. All written complaints should be recorded in a dedicated register.<sup>526</sup>

According to the Office for Foreigners, the asylum cases of migrants: (-) placed in detention, (-) single women from Somalia, (-) vulnerable, (-) Ukrainians and Belarusians; are prioritised but it does not mean that they are examined more quickly.<sup>527</sup> The special detention department was established in Office for Foreigners to prioritise the cases of detained asylum applicants; in general, the average duration of asylum proceedings in first instance was 5.61 months.<sup>528</sup>

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<sup>518</sup> Information provided by Head of the Office for Foreigners, access to the public information, 19 February 2025,  
<sup>519</sup> Commissioner for Human Rights, 31 August 2022, available in Polish [here](#).

<sup>520</sup> Information provided by HFHR, 20 January 2025.

<sup>521</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#); Information provided HFHR, 20 January 2025. NPM, report 26 March 2025 from a visit in premises of Nawal Border Guard Unit in Kołobrzeg,

<sup>522</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#). NPM, report 26 March 2025 from a visit in premises of Nawal Border Guard Unit in Kołobrzeg,

<sup>523</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>524</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

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<sup>526</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available in English [here](#).

<sup>527</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>528</sup> Information provided by the Head of the Office for Foreigners, 2025.

In practice, it means that asylum applicants have only 7 days to present additional evidence in their case, before an asylum decision is made, which can be very difficult to provide as the asylum applicants have a limited access to the internet and no access to social apps as Messenger or WhatsApp.

The interview is conducted through videoconference with the attendance of a psychologist and interpreter either in person at the detention centre with the applicant or also online. According to NGOs, as of 2024 psychologists and interpreters were available on the premises of the Head of the Office for Foreigners<sup>529</sup> or in a different place and not in the centre where the individual is detained.

In addition, NGOs claim that in the case of detained asylum applicants, the Refugee Board does not conduct evidentiary proceedings, meaning that they do not assess the grounds for applying for international protection.<sup>530</sup>

In **Krosno Odrzańskie** in 2024, direct coercive measures were used against detained migrants 55 times.<sup>531</sup> In **Przemyśl**, these measures were used 45 times,<sup>532</sup> 18 times in **Kętrzyn**<sup>533</sup> and 147 times in **Lesznowola**.<sup>534</sup> In **Białystok** physical force was used 30 times, handcuffs 6 times, an isolation room 17 times and other measures 8 times.<sup>535</sup> In Biała Podlaska handcuffs and physical force were used 3 times and the isolation room once.<sup>536</sup>

In April 2023, the death of a Syrian man in the detention centre of Przemyśl was reported. An investigation regarding the actions of the border guard and of medical services that came to the centre to provide assistance was ongoing as of January 2024.<sup>537</sup>

The Ombudsman's Office investigated the use of a direct coercive measure in the detention centre of Przemyśl – an electric stun gun against one of the centre's occupants. An investigation was launched in this case on the grounds of the border guard officer involved exceeding his authority,<sup>538</sup> but the case was dismissed through a court decision which is now final.<sup>539</sup> The person who was attacked by this officer was found guilty of making criminal threats to the Border Guard Officer in the canteen in 2022. The ruling has not been appealed and has become final. The Polish Ombudsman filed a cassation appeal to the Supreme Court and the Supreme Court overturned the court decision.<sup>540</sup>

In 2023, the National Prevention Mechanism (NPM) noticed improper documentation of the use of direct coercive measures in detention centre of Przemyśl, both in terms of the application of the direct coercive measure itself, as well as the reasons, circumstances and effects of its use. NMP also recommended to remind officers of the obligation to provide first medical aid, medical consultation to each person subject to isolation, immediately after being placed in the isolation room, and then at least once during each

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<sup>529</sup> Information provided by Ocalenie Foundation, 12 March 2024.

<sup>530</sup> Information provided by Rule of Law Institute, 20 January 2023.

<sup>531</sup> Information provided by Krosno Odrzańskie, 53 February 2025.

<sup>532</sup> Information provided by Bieszczadzki Border Guard Unit, 24 February 2025.

<sup>533</sup> Information provided by Warmińsko-Mazurski Border Guard Unit in Kętrzyn 6 February 2025.

<sup>534</sup> Information provided by Nadwiślański Border Guard Unit, 07 February 2025.

<sup>535</sup> Letter of Podlaski Border Guard Unit, in Białystok, 6 February 2025.

<sup>536</sup> Letter of Nadbużański Border Guards Unit, 13 February 2024.

<sup>537</sup> Polish Press Agency, PAP, 26 January 2024, 'Investigation into the death of 28-year-old Syrian in a guarded centre for foreigners. Prosecution seeks medical experts', available in Polish [here](#).

<sup>538</sup> RPO, 'Unjustified use of a stun gun by a Border Guard officer against a foreigner. Ombudsman requests investigation', 9 March 2023, available in Polish [here](#).

<sup>539</sup> Commissioner for Human Rights, 'The court dismissed the RPO's complaint against the discontinuation of the investigation into the unjustified use of a stun gun by a Border Guard officer against a foreigner', available in Polish [here](#).

<sup>540</sup> Commissioner for Human Rights, 'Guinean national sentenced after incident in Guarded Centre for Foreigners. The Supreme Court overturned the verdict after a cassation appeal by the RPO', 19 April 2024, available in Polish [here](#).

subsequent 24-hour period and medical consultation to a person who was exposed to pepper gas, regardless of the officer's assessment of the health condition of that person.<sup>541</sup>

In 2024, there were several cases of detention of unaccompanied children who were considered to be an adult following age assessment. In one case, the second instance court released the child, rising doubts about the age assessment procedure followed. In the second case, the child was released by the Border Guards in **Biała Podlaska**, after 2 months of detention, as his identity was confirmed by the Embassy.<sup>542</sup> Moreover, the different branches of Border Guards confirmed that due to age assessment procedures several foreigners were recognised as children: 2 in Kętrzyn by x-ray method, 2 boys in Biała Podlaska by dental examination, 6 children in Lesznowola, and 2 in Przemyśl and in Krosno.<sup>543</sup>

## B. Legal framework of detention

### 1. Grounds for detention

#### Indicators: Grounds for Detention

- |   |  |  |
|---|--|--|
| 1. In practice, are most asylum seekers detained                          |  |  |
| ❖ on the territory:   | <input type="checkbox"/> Yes                   | <input checked="" type="checkbox"/> No                         |
| ❖ at the border:  | <input type="checkbox"/> Yes                   | <input checked="" type="checkbox"/> No                         |
| 2. Are asylum applicants detained during a regular procedure in practice? | <input checked="" type="checkbox"/> Frequently | <input type="checkbox"/> Rarely <input type="checkbox"/> Never |
| 3. Are asylum applicants detained during a Dublin procedure in practice?  | <input checked="" type="checkbox"/> Frequently | <input type="checkbox"/> Rarely <input type="checkbox"/> Never |

Asylum applicants are placed in a detention centre if alternatives to detention cannot be used and for the following reasons:<sup>544</sup>

1. In order to establish or verify their identity;
2. To gather information, with the asylum applicant's cooperation, connected with the asylum application, which cannot be obtained without detaining the applicant and where there is a significant risk of absconding;
3. In order to make or execute the return decision, if an asylum applicant had a possibility to claim asylum previously and there is a justified assumption that they claimed asylum to delay or prevent the return;
4. When it is necessary for security reasons;
5. In accordance with Article 28 of the Dublin III Regulation, when there is a significant risk of absconding and immediate transfer to another EU country is not possible.

A "risk of absconding" of the asylum applicant exists particularly if they:<sup>545</sup>

- ❖ Do not have any identity documents when they apply for asylum;
- ❖ Crossed or attempted to cross the border illegally, unless they are so-called "directly arriving" (i.e. arrived from the territory where they could be subject to persecution or serious harm) and they submitted an application for granting refugee status immediately and they explain the credible reasons of illegal entry;
- ❖ Entered Poland during the period for which their data were entered into the list of undesirable foreigners in Poland or to the Schengen Information System in order to refuse entry.

<sup>541</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>542</sup> Regional Court in Suwałki, II KZ 146/24, decision 2 July 2024; case of HFHR, May 2024.

<sup>543</sup> Information provided by Nadodrzański Border Guard Unit, 25 February 2025, Bieszczadzki Border Guard Unit 24 February 2025, Nadwislanski Border Guard Unit 7 February 2025, Warmińsko-Mazurski Border Guard Unit-6 February 2025, Nadbużański Border Guard Unit 6 February 2025.

<sup>544</sup> Articles 87(1) and 88a(1) Law on Protection.

<sup>545</sup> Articles 87(2) and 88a(1) Law on Protection.

Detention is possible in law and in practice in all asylum procedures, and since 2021, it is frequently applied especially in case of unlawful crossing at the Polish-Belarusian border.

There are concerns that detention is not used as a measure of last resort and is often applied or prolonged automatically.<sup>546</sup> Additionally the foreigners in most cases are not represented by professional lawyers-attorney at law or advocates and the courts rely on the Border Guard's applications, which omit arguments that could indicate that detention is pointless or unjustified. Border Guards are treated by the courts as experts in migration, which is one of the reasons why their interpretation of the law is accepted by courts.<sup>547</sup> The research also shows that Border Guards' applications on detention presented to the courts did not contain information about contraindications to placing the migrants in detention.<sup>548</sup> In August 2021 alone, 1,089 persons were placed in detention centres in Poland. In 2024, 2,215 foreigners were reported as placed in detention in 5 out of 6 detention centres.<sup>549</sup>

According to relevant research, the Border Guard appears to give priority to internal regulations (instructions, circulars, recommendations issued by their superiors) above national law.<sup>550</sup> Submission of requests on prolonging the stay in detention by Border Guard is generally considered standard and normal practice. It is not accompanied by a deeper reflection on the need for further detention.<sup>551</sup>

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?  
☒ Reporting duties  
☒ Surrendering documents  
☒ Financial guarantee  
☒ Residence restrictions  
☐ Other
2. Are alternatives to detention used in practice?  
☐ Yes ☒ No

The Law on Protection sets out the following alternatives to detention for asylum applicants:

1. An obligation to report;
2. Bail options (*zabezpieczenie pieniężne*);
3. The obligation to stay in a designated place.

BG can use more than one alternative in the case of any foreigner.<sup>552</sup> Alternatives can be applied by the BG who apprehended the asylum applicant concerned or by the court (subsequent to a BG's decision not to apply alternatives and who have submitted an application for detention to the court).<sup>553</sup> An asylum

<sup>546</sup> ECtHR, *Nikoghosyan and others v. Poland*, Application no. 14743/17, available [here](#); Information provided by FIPP, Ocalenie Foundation, March 2024; SIP, 11 September 20224, 'PLN 50,000 compensation for wrongful detention in a guarded center for an Iraqi refugee', available in Polish [here](#). Regional Court in Łódź, XVIII Ko 30/23, May 15, 2024, mentioned in SIP, 'PLN 12,000 for 53 days of illegal detention in a guarded center for foreigners', 24 June 2024, available in Polish [here](#); HFHR, 'Court awards £40,000 compensation to Ethiopian man for wrongful placement in SOC for 179 days', 11 December 2024, available in Polish [here](#).

<sup>547</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 30-32, 87, 121.

<sup>548</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 162.

<sup>549</sup> There is no central system to count persons deprived of liberty, so it is possible that some people may be counted multiple times, Information from different Border Guard divisions in 2025.

<sup>550</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 121.

<sup>551</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 165.

<sup>552</sup> Article 88(3) of the Law on Protection.

<sup>553</sup> Articles 88(2) and 88b(2)-(3) Law on Protection.



applicant can be detained only if the alternatives to detention cannot be applied.<sup>554</sup> In practice, asylum applicants are placed in detention automatically (in 96% of cases, courts took a detention order or a prolongation),<sup>555</sup> and alternatives to detention are either not considered, not properly justified or the reasons why they cannot be applied are not explained in detail.<sup>556</sup> In 2023, alternatives to detention were applied in cases pertaining to 3,009 asylum applicants and 1,369 returnees (in total 4,378 persons).<sup>557</sup>

Over the period 2018 -2024 alternatives to detention were used as follows for migrants, including asylum seekers and returnees:<sup>558</sup>

Alternatives to detention in Poland: 2018 - 2024							
Type of alternative	2018	2019	2020	2021	2022	2023	2024
Reporting obligations	1,327	1,603	507	818	934	1,933	4,097
Residence in a designated place	1,058	1,522	476	233	281	280	2,071
Bail	1	3	1	3	6	4	5
Surrendering travel documents	29	36	39	343	223	508	337
<b>Total</b>	<b>2,415</b>	<b>3,164</b>	<b>1,023</b>	<b>1,397</b>	<b>1,444</b>	<b>2,725</b>	<b>6,510</b>

Source: Border Guard: 14 January 2018; Border Guard, 14 and 25 January 2019, 17 January 2020, 5 February 2021, Instytut Nauk Prawnych, 2 February, Border Guard March 2022, 25 January 2023; Border Guard Headquarters, 21 March 2024, Border Guard Headquarters, 7 March 2025

According to Polish NGOs, courts examine the possibility of using alternatives to detention only in a superficial way.<sup>559</sup> Courts very often argue that it is not possible to impose an alternative to detention based on the risk of absconding and that asylum applicants had no money or no place to stay, ignoring the fact that asylum applicants have a right to live and receive financial assistance in open centres for foreigners managed by the Head of the Office for Foreigners.<sup>560</sup> The courts generally consider that irregular entry is a sufficient element to determine the existence of a risk of absconding, without conducting an individual assessment if not to evaluate whether alternatives to detention can apply.<sup>561</sup>

<sup>554</sup> Article 88a(1) Law on Protection.

<sup>555</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 51 and 153.

<sup>556</sup> Information provided by Legal Intervention Association Rule of Law Institute and Nomada Association, February 2023.

<sup>557</sup> Information of Border Guards Headquarters, 7 March 2025.

<sup>558</sup> In practice, a person may be subject to more than one alternative measure.

<sup>559</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 97. The first and second instance court ignore the fact that the migrant could pay the bail, she had a place to live in Poland as she was living in Poland for 9 years.

<sup>560</sup> Information provided by HFHR in January 2025.

<sup>561</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 165, 193.

### 3. Detention of vulnerable applicants

#### Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?  
☐ Frequently ☒ Rarely ☐ Never  
  
❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?  
☒ Frequently ☐ Rarely ☐ Never

If a decision to release a foreigner from the detention centre is issued and the asylum applicant is a disabled, elderly, pregnant or single parent, the SG is obliged to organise the transport to the reception centre, and – in justified cases – provide food during the transport.<sup>562</sup> If the asylum applicants do not belong to these categories, any assistance to reach open centres is provided, regardless of the factual situation they are in.<sup>563</sup> In 2023, at least 10 (2 from Lesznowola, 8 in **Kętrzyn**) migrants benefited from this form of transport.<sup>564</sup>

#### 3.1. Detention of persons with health conditions

According to the law, asylum applicants whose psychophysical state leads to believe that they are victims of violence or have a disability as well as unaccompanied minors cannot be placed in detention centres. This is also applicable to asylum applicants whose detention causes a serious threat to their life or health,<sup>565</sup> as under the law, an asylum applicant should be released if further detention constitutes a threat to their life or health.<sup>566</sup> This means that, for example, children, if they stay in Poland with parents or other legal guardians, can still be detained, as can pregnant women if they are healthy. In practice, persons with disabilities are sometimes detained.<sup>567</sup>

The provisions are absolute and do not allow for any exceptions and have to be considered separately and independently of each other, but this is not a practice followed by the Border Guards and courts, according to National Prevention Mechanism.<sup>568</sup>

In the opinion of NGOs<sup>569</sup> and the Commissioner for Human Rights, the problem with the identification of victims of torture and violence persists and there is a systematic problem with placing foreigners whose

<sup>562</sup> Article 89cb Law on Protection. Border Guard Unit in Biała Podlaska, Przemyśl, Białystok do not have statistics in this regard. BG Unit in Kętrzyn and Lesznowola, 2024.

<sup>563</sup> RPO, 'Commissioner for Human Rights asks about assistance for foreigners released from guarded centres. Border Guard response', 7 February 2023, available in Polish [here](#).

<sup>564</sup> Letter from Nadwislanski and Warminsko-Mazurski BG unit, February 2025.

<sup>565</sup> Article 88a(3) Law on Protection. In Kętrzyn 2 person were released on the basis of this provision in 2023, Border Guard Unit in Kętrzyn.

<sup>566</sup> Article 406(1)(2) Law on Foreigners.

<sup>567</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 80, describes a detention case of a person who was disabled (lack of one limb).

<sup>568</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); Judgement Court of Appeals in Białystok (Sąd Apelacyjny w Białymstoku) Sygn. akt II AKa 136/23, 28 November 2023.

<sup>569</sup> SIP, *Report 2023, We have an impact! Summary of the most important SIP activities*, 2024, available [here](#); SIP, *Iraqi Refugee Receives PLN 50,000 Compensation for Unlawful Detention in Guarded Center*, available [here](#); Polish Migration Forum, *A report on the psychological assistance of the Polish Migration Forum Foundation for people in guarded centers for foreigners*, 17 June 2024, available in Polish [here](#).



mental and physical condition indicates a possible danger to their life or health.<sup>570</sup> Indeed, a poor mental condition is hardly ever accepted by courts as sufficient ground for not placing in or releasing an asylum applicant from detention.<sup>571</sup> Identification should be conducted before placing in detention and not in detention. In 2024 access to the independent psychologist deteriorated.<sup>572</sup>

According to the Commissioner for Human Rights and NGOs, the authorities do not always release migrants who suffered the violence in their country of origin<sup>573</sup> or, more recently, at the Polish-Belarusian border.<sup>574</sup>

Additionally, the Border Guard continues to apply internal guidelines allowing deprivation of liberty of foreigners who have experienced violence (“Principles of Border Guard’s Procedure with Aliens Requiring Special Treatment.”). In 2019, the Border Guard updated internal guidelines called “Rules of Conduct of the Border Guard towards foreigners requiring special treatment”. Based on these rules, only people who exhibit clear symptoms indicating that they have been subjected to severe forms of violence, and as a result, whose current psychophysical condition is significantly below average, are exempt from being placed in detention. It means that the internal guideline introduces additional restrictions unknown to the Act of Foreigners and limits the prohibition of detention of violent victims to victims of serious forms of violence, who manifest the symptoms of violence and whose psychophysical state is significantly below the norm. Moreover, the updated guideline still does not solve the long-standing problem of the lack of an effective system for the identification of victims of violence.

This guideline limits the need to examine detained third-country nationals only if they:

- ❖ Were in need of first aid assistance during the arrest;
- ❖ May be in a condition that threatens their life or health;
- ❖ Have declared that they require permanent or periodic treatment, the interruption of which would endanger their health or life;
- ❖ Are suspected of being carriers of an infectious disease.

In practice, it means that the decision to conduct a medical examination is made by the Border Guard officer. However, there are serious doubts about the ability of the Border Guards officers to recognise if a migrant is a violence victim as not all of them are specialised in the identification of vulnerable asylum applicants. What is more, this guideline does not indicate the necessity of a possession of medical knowledge by the officer and there is a lack of a determination of the methods and criteria based on which

<sup>570</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#); SIP, ‘PLN 50,000 compensation for wrongful detention in a guarded center for an Iraqi refugee’, 11 September 2024, available in Polish [here](#); Regional Court in Łódź, XVIII Ko 30/23, 15 May 2024, mentioned in SIP, ‘PLN 12,000 for 53 days of illegal detention in a guarded center for foreigners’, 24 June 2024, available in Polish [here](#); Judgment of the District Court in Olsztyn, 28 March 2024, ref. no. II KO 298/23; Regional Court in Olsztyn, file number VII Kz 34/24, 9 February 2024, as mentioned in SIP, ‘The court releases from detention and takes into account the opinion of a psychologist from outside the SOC’, 28 February 2024, available in Polish [here](#); Olsztyn Regional Court, file number VII Kz 509/23, 24 November 2023, as reported in SIP, ‘A foreigner after experiencing violence released by the court from a guarded center’, 16 January 2024, available in Polish [here](#).

<sup>571</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>572</sup> SIP, *We have an impact! Summary of the most important SIP activities in 2023, 2024*, available in English [here](#).

<sup>573</sup> EU Fundamental Rights Agency, *Migration: Key fundamental rights concerns – January 2021- June 2021*, FRA Bulletin 2, available in English [here](#), 23. Judgement Court of Appeals in Białystok (Sąd Apelacyjny w Białymstoku) Sygn. akt II AKa 136/23, 28 November 23.

<sup>574</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

the officer could assess whether a medical examination is necessary.<sup>575</sup> Additionally, the people who are placed in detention and stated that they had experienced violence during their detention, are not automatically and immediately subjected to a medical examination.<sup>576</sup> Moreover, the guidelines do not introduce a procedure to release immediately the victim of violence from a detention centre, as this could be disposed only if it is established that prolongation of detention would cause a threat to the person's life or health. The NPM recommends not using the guidelines prepared by the Border Guards as they are against the national law and international standards, including the Istanbul Protocol. In the opinion of the NPM there should be two different documents introduced: the first one would consider the early identification of the victims of violence and the other one – the migrants' health assessment concerning the potential risk for detained persons.<sup>577</sup> Nevertheless, they continued to be used in 2024.<sup>578</sup>

In addition, there are detained foreigners who, despite the evident symptoms of PTSD, have not been identified, or the identification process takes a very long time, and their mental state deteriorates due to their detention.<sup>579</sup>

According to the Commissioner for Human Rights,<sup>580</sup> before the application to the court to place or prolong the stay of a foreigner, is submitted by the Border Guard, the physicians only issue an opinion on whether the foreigner's physical health at the time of the examination allows for a stay in the detention centre. This means that the assessment does not include:

- ❖ danger to life and health through the risk of deterioration of the current state of health e.g., emerging or worsening of mental disorders due to re-traumatisation and stress caused by detention;
- ❖ the state of mental health, as no psychological or psychiatric examination is carried out;
- ❖ the mental state and the physical state in terms of the presumption of being subjected to violence (as there is no psychological or psychiatric examination or medical evaluation of the injuries and their possible causes).

According to the representatives of the National Prevention Mechanism, identification of torture victims is still based on the Border Guards' internal guidelines which are contrary to the provisions of the law.<sup>581</sup> And in practice, foreigners who should never be placed in detention centres, stay there longer. In one of its recommendations, National Prevention Mechanism called for the Border Guards to abandon guidelines and create a tool that could effectively identify foreigners with experience of torture or other forms of violence.<sup>582</sup>

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<sup>575</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>576</sup> Legal Intervention Association (SIP), *Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r.* [Report SIP in action. Rights of foreigners in Poland in 2020], available in Polish [here](#). Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 81.

<sup>577</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>578</sup> Information provided by HFHR, February 2025.

<sup>579</sup> RPO, *Foreigners in administrative detention. Results of the KMPT monitoring in guarded centres for foreigners in Poland*, March 2021, available in Polish [here](#), 43; Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 81.

<sup>580</sup> RPO, *Foreigners in administrative detention. Results of the KMPT monitoring in guarded centres for foreigners in Poland*, March 2021, available in Polish [here](#), 43.

<sup>581</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>582</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

The Commissioner for Human Rights, in his letter addressed to the Presidents of Regional Courts, expressed his concerns about the cases of foreigners placed in detention who were victims of violence and were in bad psychophysical condition. Furthermore, it was underlined that the level of medical and psychological care was far from sufficient and the contact with psychologists in detention centres was unavailable, which might lead to the deterioration of foreigners' health through secondary victimization.<sup>583</sup> For example, in the detention centre in **Krosno**, only one psychologist was hired for 8 hours, once a week who was responsible for 79-80 people in **Krosno Odrzańskie**.<sup>584</sup> In **Białystok** and in **Biała Podlaska**<sup>585</sup> there are two psychologists – one internal and one external.<sup>586</sup> In the opinion of NPM, an additional psychologist should be employed in Biała Podlaska to address existing needs.<sup>587</sup>

In 2024 the Polish Migration Forum<sup>588</sup> highlighted that NGOs face barriers to accessing people in need in detention centre, that the number of hired psychologists and physicians in detention centres is insufficient<sup>589</sup> and the psychologists do not know the languages of the migrants, which made it difficult or even impossible to establish proper contact with a foreigner. The Ombudsman expressed concerns regarding the fact that access to psychological assistance provided by the NGOs is significantly limited.<sup>590</sup>

Additionally, courts do not accept psychological opinions submitted by independent psychologists (e.g. from NGOs),<sup>591</sup> only in exceptional cases the Regional courts take them into account<sup>592</sup> and they rely on short opinions (very often it is one sentence stating there are no obstacles to prolonging the stay in a guarded centre) of the physician who works in the detention centre.<sup>593</sup> There are doubts as to whether the physician conducts medical checks on individuals before issuing health certificates. Physicians typically have general specialisations, which means they may lack the expertise to assess the mental state of a detained person.

If medical or psychological opinions, which are in a foreigner's files, indicate that a foreigner has experienced violence, the documentation is not always handed over to the court. This results in the illegal placement of people who have experienced violence in detention centres and arrests for foreigners, and consequently leads to their secondary traumatisation.<sup>594</sup>

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<sup>583</sup> Commissioner for Human Rights, Letter to the Regional Courts, 25 January 2022, available [here](#).

<sup>584</sup> Nadodrzański BG Unit, 25 February 2025.

<sup>585</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>586</sup> Letter from the Podlaski and Nadbużański Border Guards, 06 February 2025.

<sup>587</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>588</sup> Polish Migration Forum, *A report on the psychological assistance of the Polish Migration Forum Foundation for people in guarded centers for foreigners*, June 2024, available in Polish [here](#).

<sup>589</sup> Commissioner for Human Rights, 'The centre for foreigners in Wędrzyn does not meet the standards for the protection of their rights. Conclusions after the third visit of the BRPO', 24 January 2022, available in Polish [here](#); Polish Migration Forum, *A report on the psychological assistance of the Polish Migration Forum Foundation for people in guarded centers for foreigners*, June 2024, available in Polish [here](#).

<sup>590</sup> Commissioner for Human Rights, 'Psychological assistance in guarded centres for foreigners - also from NGOs', 25 April 2023, available in Polish [here](#); Polish Migration Forum, *A report on the psychological assistance of the Polish Migration Forum Foundation for people in guarded centers for foreigners*, June 2024, available in Polish [here](#).

<sup>591</sup> Information provided by Legal Intervention Association, HFHR, January 2023.

<sup>592</sup> Foreigner released by court from guarded centre after experiencing violence, 24 November 2023, available in Polish [here](#), and see SIP, 'Cudzoziemiec po doświadczeniu przemocy zwolniony przez sąd ze strzeżonego ośrodka', 16 January 2024, available in Polish [here](#).

<sup>593</sup> SIP, *Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020]*, available in Polish [here](#).

<sup>594</sup> SIP, *Raport SIP w działaniu, Prawa cudzoziemców w Polsce w 2020 r. [Report SIP in action. Rights of foreigners in Poland in 2020]*, available in Polish [here](#); Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024.

In practice, only courts of higher instance call on experts to determine applicants' mental health state but this happens very rarely (once in 2021).<sup>595</sup> Practice shows that neither the Border Guard nor the courts take the initiative to assess if an asylum applicant is a victim of violence.

In 2018 and in 2022<sup>596</sup> the Commissioner for Human Rights reminded that the internal guidelines, based on which the identification is performed, do not clearly state that vulnerable persons, once identified, should be immediately released from detention. The Commissioner observes that the lack of accessible treatment and therapy in the detention centres deepens the trauma.<sup>597</sup> Torture survivors stay in detention centres and even if they are identified at a later stage, they are not released from detention.<sup>598</sup>

In its 2019 concluding observations, the UN Committee against Torture stated that in Poland there is insufficient capacity to identify asylum seekers who are victims of torture and lack of adequate protection and care for survivors of sexual and gender-based violence. In the opinion of CAT,<sup>599</sup> Poland should introduce a principle to law that detention of asylum-seekers, and in particular children and vulnerable persons, should be a measure of last resort, for as short a period as possible and in facilities appropriate for their status. Furthermore, CAT recommended that Polish authorities refrain from placing asylum seekers and in particular children in guarded centres and ensure the fast and appropriate identification of vulnerable persons including survivors of torture and ill-treatment, as well as sexual and gender-based violence, and provide them with adequate access to health care and psychological services.<sup>600</sup> However, there were no improvements in 2024.<sup>601</sup>

Moreover, the Committee was concerned that training on the provisions of the Convention and the Istanbul Protocol is not part of the training of border guards, judges, forensic doctors and medical personnel engaged in the treatment of foreigners in detention. Therefore, in the opinion of CAT, Poland should remedy it.

The CPT reported on various shortcomings in detention centres. In particular, that few regular visits were conducted by psychiatrists, the lack of clinical psychologists, delays in accessing specialised medical care, including dental and gynaecological care; lack of screening for possible traumatic mental disorders and signs of victimisation; the need to introduce a register of injuries found during admission and stay in a Border Guard facility; the need for specialised training for medical staff in documenting and interpreting injuries, including techniques for interviewing people who may have been mistreated; cases of breaches of medical confidentiality in situations where other foreign nationals were asked to participate in examinations for translation purposes.<sup>602</sup>

On 8 October 2024, the European Court of Human Rights communicated a case against Poland – *M.A.E. v. Poland*, Application No. 7463/23 – concerning an Egyptian citizen who spent more than six months in the Guarded Detention Center for Foreigners in Lesznów in connection with pending procedures to obligate him to return to his country of origin and then to grant him international protection. Despite the applicant's serious health condition (urological, gastrointestinal), requiring urgent surgery and causing constant pain, the applicant being a victim of physical violence and having provided evidence of this, he

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<sup>595</sup> UN Committee against Torture, *Concluding observations on the seventh periodic report of Poland*, 22-24 July 2019, available [here](#).

<sup>596</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>597</sup> Commissioner for Human Rights, *Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 7 January 2019, available in Polish [here](#).

<sup>598</sup> Information provided by the HFHR, January 2023.

<sup>599</sup> UN Committee against Torture, *Concluding observations on the seventh periodic report of Poland*, 22-24 July 2019, available [here](#).

<sup>600</sup> UN Committee against Torture, *Concluding observations on the seventh periodic report of Poland*, 22-24 July 2019, available [here](#).

<sup>601</sup> Information provided by SIP, March 2025.

<sup>602</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).



was placed in detention centre. No official procedure was carried out to determine whether the foreigner was a victim of violence by the Border Guards. At no stage of the proceedings did the courts take into account the foreigner's health problems, his poor psychophysical condition or the fact that he had experienced violence, and the courts did not take into account the requests for to refer him to a specialist forensic doctor and a psychologist, as the foreigner's psychophysical condition was typical of a person with experience of violence. There were also procedural violations of the right to defence in the case. The foreigner was not served with the commander's requests to order and extend his detention, nor was he brought to court hearings, despite his requests to do so.<sup>603</sup>

This is not the first such case before the ECtHR for Poland: in 2020, an application was stricken out following Poland's unilateral declaration that the applicant had indeed been deprived of her liberty in breach of Article 5 § 1 (f) of the Convention and that she did not have at her disposal an effective procedure by which she could challenge the lawfulness of her detention, as required by Article 5 § 4 of the Convention. Poland undertook to pay the applicant the amount of EUR 9,000.<sup>604</sup>

### 3.2. Detention of children

According to the law, unaccompanied asylum-seeking children should not be detained.<sup>605</sup> In practice, some unaccompanied children are placed in detention centres if they are accompanied by unrelated adults<sup>606</sup> or when there are doubts as to their age: an age assessment procedure was carried out and they were ruled to be adults,<sup>607</sup> or their age was determined when the Border Guard managed to confirm their identity after receiving original identity documents or information from the Embassy of the country of origin confirming the applicant's identity.<sup>608</sup> It can also occur when they were placed in detention as irregular migrants (which is possible under the law)<sup>609</sup> and only then applied for international protection. Asylum-seeking and migrant children who are with members of their families can be placed in detention centres together with accompanying adults.<sup>610</sup> This continued in 2024.<sup>611</sup>

Detaining children is a regular practice.<sup>612</sup> Unaccompanied children (recognised as children), families with children are placed in detention centres in **Lesznowola** (since September 2023). In total in 2024 24 unaccompanied and 69 accompanied children were reported in the detention centre in Lesznowola.<sup>613</sup>

According to NGOs, in some cases minors are placed in detention centres for adults as a result of medical examinations of their age which rule that they are adults.<sup>614</sup>

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<sup>603</sup> SIP, 'ECHR communicates our client's case regarding detention in a guarded facility', 12 November 2024, available in Polish [here](#).

<sup>604</sup> ECtHR, "A.A. against Poland" Application, no. 47888/19, lodged on 29 August 2019, available [here](#).

<sup>605</sup> Article 88a(3) Law on Protection.

<sup>606</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus]*, Report NPM, 15 June 2022, available in Polish [here](#), 21; SIP, 8 May 2024, 'A teenager from Egypt locked up in a guarded center - we file a complaint with the ECHR', available in Polish [here](#).

<sup>607</sup> Regional Court in Suwałki, II KZ 146/24, decision 2 July 2024; case of HFHR, May 2024, District Court in Grójec, releasing the children from detention; Regional Court in Grójec, decision of 16 October 2024, file reference II Ko 3183/24; Regional Court in Grójec, decision of 9 October 2024, file reference II Ko 3184/24.

<sup>608</sup> Information provided by Warmińsko-Mazurski, Nadwiślanski, Bieszczadzki and Nadodrzański Border Guards Unit 2025, 15 minors were reported to be placed in detention centres for adults.

<sup>609</sup> BG in Krosno Odrzańskie, 3 March 2023. Information from HFHR, January 2025.

<sup>610</sup> Although it happens in practice that some members of the family are placed in the reception centre and some in the detention centre. See for instance, T. Sieniow, 'Wnioski z monitoringu wraz z rekomendacjami', 59.

<sup>611</sup> Information provided by SIP, HFHR in 2025.

<sup>612</sup> Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 207-208.

<sup>613</sup> Letter from Nadwiślanski Border Guards Unit, 7 February 2025.

<sup>614</sup> Information provided by HFHR, February 2024; SIP, 'Unaccompanied Somali minor released from guarded centre', 15 December 2023, available [here](#); HFHR, 'Somali girl released from immigration detention – a court finds that the authorities misjudged her age', 1 August 2023, available [here](#); Regional Court in Suwałki, II KZ 146/24, decision 2 July 2024; case of HFHR, May 2024.

The National Prevention Mechanism as well as the Ombudsman for Children Rights<sup>615</sup> have critically assessed the age assessment procedure set up in Polish law, which is solely conducted in a medical way and in most of the cases only an X-ray of a wrist was performed. In its opinion, this procedure should be comprehensive, also taking into account psychological, developmental or environmental factors. NPM recommends that all evidence, such as photos of identity documents, have to be taken into account in each case of the final age assessment and any doubts have to be resolved in favour a minor. Additionally, the age assessment certificate should include a description of the examination along with the error limit.<sup>616</sup>

Children in detention centres: 2024			
Centre	Number of children detained in 2024 in total	Number of UAMs in 2024	Average Length of detention in 2024
Kętrzyn (for UAMs only till 5.06.2023, since 24.03.23 only for men)	-		
Przemyśl	-	-	-
Lesznowola	69	24	110 days at the end of the year
Biała Podlaska(since 08.09.23 only for men, )	-		
Białystok	-	-	-
Krosno Odrzańskie	-	-	-

Source: Letter of the Border Guard Office in Biała Podlaska, 8 March 2023, in Kętrzyn 8 February 2024, Krosno Odrzańskie 3 March 2023, in Przemyśl 10 March 2023, Border Guard Headquarters 18 March 2024.Lesznowola, 7 February 2025

In 2021, the number of detained children has increased to 567 in total. In the period between January and 31 July 2022, 575 children were placed in detention centres in Poland, out of a total of 2,771 detainees.<sup>617</sup> In 2023, according to the Border Guard Headquarters, 115 children and 29 unaccompanied children were in detention centres.<sup>618</sup> In 2024, 69 accompanied and 24 unaccompanied children were detained.

The policy of protection of children in detention was put in place from 2018, when new guidelines were introduced - "Intervention procedures in case of hurting children in guarded centres for aliens". Within the framework of that policy, the employees of guarded centres were trained in the new rules and identification of behaviour which should be considered abuse.<sup>619</sup> In 2021, there were 2 cases of abuse against children, including one in Kętrzyn and one in Biała Podlaska.<sup>620</sup> In 2023-2024,<sup>621</sup> no similar cases were reported.

In 2024 the Commissioners for Human Rights and Children Rights,<sup>622</sup> and in 2019, the UN Committee against Torture (CAT) expressed its concern regarding the detention of families with children and

<sup>615</sup> RPO, 'The Human Rights Ombudsman and the Children Rights Ombudsman jointly appeal to the Prime Minister. This concerns migrating unaccompanied children', 5 November 2024, available in Polish [here](#).

<sup>616</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>617</sup> Information from the Border Guards Headquarters, 7 September 2022.

<sup>618</sup> Information from the Border Guards Headquarters, 18 March 2024.

<sup>619</sup> CoE Committee of Ministers, *Communication from Poland concerning the case Bistieva and others v. Poland (application No. 75157/14)*, 14 June 2019, available [here](#).

<sup>620</sup> Information provided by different Border Guard Units in Białystok, Kętrzyn, Przemyśl, Lesznowola and FIPP, 2022.

<sup>621</sup> Information from Nadwiślański Border Guard Unit, 7 February 2025.

<sup>622</sup> Commissioner for Children Rights and for Human Rights, 'The Ombudsman and the Ombudsman jointly appeal to the Prime Minister. This concerns migrating unaccompanied children', 5 November 2024, available in Polish [here](#).



unaccompanied minors over 15 years old, which are still valid as no measures to limit the use of detention for these applications were adopted up to the present.<sup>623</sup>

In January 2022, the Commissioner for Human Rights in his letter to the Presidents of the Regional Courts (*Prezesów Sądów Okręgowych*) expressed, among others, his concerns regarding the detention of families with children. He underlined that none of the detention centres was an appropriate place for children. According to him, detention may have a negative and irreversible impact on development and psychophysical condition of a child, especially with a traumatic migration experience, as these facilities are not suitable places for children. According to the Commissioner Border Guard rarely release children whose mental health deteriorated sharply after being placed in a detention centre and justified the hospitalisation.

In the opinion of the Commissioner for Human Rights, the Commissioner for Children's Rights,<sup>624</sup> HFHR<sup>625</sup> and other NGOs in Poland, child detention should be forbidden by law in all cases because detention, regardless of children's migration status and their parents' decisions, can never be in the best interest of a child, violates the children's rights and may have a negative effect on children and their further development.<sup>626</sup> The CPT recommended Poland should avoid detaining families with children in guarded centres for foreigners and to ensure that if children are exceptionally placed in a guarded centre, it should be for the shortest possible period.<sup>627</sup>

As of 2024, in general detention decisions still did not consider the best interest of the child and the individual situation of the child.<sup>628</sup>

When placing a child in a guarded centre together with parents, the courts do not mention children and their personal situation in a justification of the detention decision.<sup>629</sup> In addition, the courts place families in guarded centres for a maximum period of time, rather than for the shortest period.<sup>630</sup> Children's detention is ordered automatically, without an individual assessment of their situation and needs. Detention is not considered as a measure of a last resort, and no assessment is conducted as to whether alternatives to detention could be applied.<sup>631</sup> Furthermore, justifications for the courts' decisions were

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<sup>623</sup> The CPT visited 3 detention centres in Poland in 2022 – in Wędrzyn, Biała Podlaska and Białystok: CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>624</sup> Commissioner for Child's Rights, "Wystąpienie do Prezesa Rady Ministrów", 3 December 2018, available in Polish [here](#).

<sup>625</sup> HFHR, 'Migrant children should not be detained in guarded centres. HFHR intervenes in ECtHR proceedings in connection with the detention of children', 21 June 2023, available in English [here](#).

<sup>626</sup> HFHR, "Rights of persons deprived of liberty-fundamental legal and practical issues. HFHR perspective", July 2018, available [here](#). Commissioner for Children Rights and for Human Rights, 'The Ombudsman and the Ombudsman jointly appeal to the Prime Minister. This concerns migrating unaccompanied children', 5 November 2024, available in Polish [here](#).

<sup>627</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>628</sup> Information provided by HFHR and SIP, January 2025, available [here](#); Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 208.

<sup>629</sup> HFHR, *Poland submissions on ending immigration detention of children to the UN Special Rapporteur on the Human Rights of Migrants*, May 2020, available [here](#); SIP, *Information on the observance of human rights under the UN procedure of the Universal Periodic Review*, March 2022, available [here](#). Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 109.

<sup>630</sup> Information provided by SIP, January 2025.

<sup>631</sup> SIP, 'Another intervention before the ECHR concerning the detention of migrants in Poland', 20 October 2023, available in English [here](#) and [here](#).

adapted from the BG application for placing or prolonging the detention. Moreover, courts and the Border Guard treat detention as a form of punishment for crossing the border illegally.<sup>632</sup>

### *National caselaw*

In a judgment of 10 April 2023, the Białystok Court of Appeal set the amount of compensation for an Afghan family for unjustified detention to PLN 20,000 (EUR 4,640) per person for 97 days. The Court of Appeal found that the family's detention was justified only for the first month. According to the court, the stay in the guarded centre for foreigners became unjustified after the identity of Mr. and Mrs. K. was confirmed. The court emphasised that the family should have been released from the centre immediately on the day the identity of the parents was confirmed, even if the identification procedure of the children had not been completed at that time. The court also noted that in the case of children, the application of the measure of placement in a guarded centre for foreigners should be limited to exceptional cases. The court also indicated that the amount of PLN 6,500 (EUR 1,508) in compensation awarded by the District Court in Olsztyn was a symbolic amount. The Court of Appeal therefore found that the amount of PLN 20,000 (EUR 4,640) in compensation for each of the applicants would be an appropriate amount, taking into account the negative effects of detention.<sup>633</sup>

The Regional Court in Lublin<sup>634</sup> granted an Iraqi Kurdish woman and her two children PLN 135,000 (EUR 31,323) in compensation for unjustified deprivation of liberty in a guarded centre for foreigners. According to the court, extending the detention of the foreigners after 3 months from their placement in the centre was unjustified because during the first period of detention, the Head of the Office for Foreigners did not conduct any evidentiary activities with their participation. In particular, there was no hearing regarding the reasons for applying for international protection. At the same time, the foreigner did not obstruct the proceedings in any way. The court also referred, among others, to the judgment of the Supreme Court of 20 June 2023, file reference II KK 148/22, which notably indicated that 'guarded centres are not used to intern foreigners for the duration of the consideration of applications for international protection or, in the event of a negative decision on such an application, to ensure effective enforcement of a possible decision to deport the foreigner. These centres cannot therefore be treated as transit camps allowing for the selection of the group of foreigners who will receive a permit to stay in Poland.'

The Supreme Court, recognising cassation in the case of compensation for detention, has delivered one of the most important judgments in detention cases in recent years. The case concerned a single mother who was detained for 16.5 months with her young child. The Supreme Court clarifies that should be obvious but are often ignored by Polish courts: any rationale for detention must be proven and courts cannot rely solely 'on presumptions', for detention to be lawful it must be necessary in the particular case, detention of refugees does not have a repressive function, nor is the purpose of its use to protect the borders of the Republic of Poland or the external borders of the European Union, let alone to combat the phenomenon of illegal immigration, the welfare of the child often overlooked in refugee and detention procedures, and should be the overriding value.<sup>635</sup>

On 1 March 2023, the Court of Appeals of Warsaw upheld the judgment of the District Court of Warsaw, awarding a compensation in the amount of PLN 72,500 (EUR 16,868) to a family detained in guarded centre for 2.5 months. The court underlined that, according to ECtHR's jurisprudence, a family should be placed in detention only after having conducted an assessment regarding the possibility of applying less

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<sup>632</sup> HFHR, *Research on the applicability of the best interests of the child principle as the primary consideration in detention decisions as well as the alternatives to detention*, 2017; SIP, *Information on the observance of human rights under the UN procedure of the Universal Periodic Review*, March 2022, available [here](#); Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 121.

<sup>633</sup> SIP, '100 thousand złoty of compensation for unfair detention for a family from Afghanistan', file reference II Aka 192/23, 9 August 2024, available in Polish [here](#),

<sup>634</sup> Judgment of 29 April 2024, file reference IV Ko 895/23, SIP Newsletter nr 14.

<sup>635</sup> JUDGMENT ON BEHALF OF THE REPUBLIC OF POLAND of the Supreme Court in a case filed by R. Z. and S. Z. regarding compensation for unjust placement in a guarded centre for foreigners, 20 June 2023, available in Polish [here](#).

severe measure. The Court ruled that the initial decision of issuing the detention order ignored the best interest of a child principle, and evaluated that it had caused a deterioration in the family's mental state, as well as to attend school. Additionally, it was noted that the detainees were stripped naked while being admitted to the detention centre, had limited access to the computer room, their phones were taken from them and they could not move freely in the detention centre.<sup>636</sup>

#### *Cases before the European Court of Human Rights*

On 10 January 2023, the ECtHR communicated the case *V.M. and Others against Poland*. The case concerns the ongoing detention in **Biała Podlaska** of an Armenian mother and her two children pending their asylum and deportation proceedings. The mother's mental health deteriorated heavily after she had a miscarriage while in detention.<sup>637</sup>

On 9 February 2023, the ECtHR<sup>638</sup> issued a judgment in *R.M. and Others against Poland*. The Court found that the 7-month detention of the family with children violated the European Convention on Human Rights, specifically the prohibition of unlawful detention and the right to family life. For the first time, the Court noted that failure to inform foreigners about the planned extension of their detention violated their right to a fair procedure. The ECtHR also admitted that the foreigners concerned by the case should know what information about their life, the legal and psychophysical situation is provided to the court - so that they have a chance to supplement it.<sup>639</sup>

In April 2023, the ECtHR communicated the case *M.S.T. and Others against Poland*. The applicants complained that their prolonged detention violated Article 3 of the Convention owing to the nature of detention as such, as well as to the prison-like conditions of the Guarded Centre in **Kętrzyn**, including room sizes of less than 4 m<sup>2</sup> per person, lack of protection from the summer heat, restriction of outdoor activities, personal inspection upon admission to the centre violating the dignity of the applicants or failure to provide any privacy to conduct their private and family life. the lack of proper psychological and medical care for their mental and physical conditions. They also complain that detention was not a measure of last resort and that neither possibility to apply alternative measures nor the best interest of the child were not taken into account. The applicant also alleged not to have had access to legal representation during the proceedings. They also underlined that court documents were translated into a language they did not understand, the failure to consider requests for evidence relevant to the case and, moreover, the failure to thoroughly examine the possibility of alternative measures to detention and the failure to take into account the best interests of the minor child when making judgments.<sup>640</sup>

On 16 May 2023, the European Court of Human Rights (ECtHR) communicated the case of *Z.H.R. and Others v. Poland* concerning detention of an Iraqi national and her two children in the Guarded Centre for Migrants in **Lesznowola** and later in **Biała Podlaska**. The family stayed in the centres for ten months in 2021-2022, despite the mother's deteriorating mental state.<sup>641</sup>

On 10 July 2023, the ECtHR communicated the case *M.H.D. and Others against Poland* filed by the Iraqi nationals, a married couple with two minor children, who were detained in two detention centres: **Lesznowola** and, subsequently, in **Kętrzyn** for at least six months. They complain about the conditions of their detention in both detention centres, insufficient space in the room, limited time that they could spend outside. Additionally, the applicants who were victims of violence, complained that they were not provided with adequate psychological and medical care, they were twice subjected to personal checks and that they had to strip naked which was particularly humiliating and infringed their dignity. The

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<sup>636</sup> SIP, 'Compensation for unjustified detention of family of three, victims of violence', 25 April 2023, available in Polish [here](#).

<sup>637</sup> ECtHR, Application no. 40002/22 *V.M. and Others against Poland*, lodged on 10 August 2022 communicated on 10 January 2023, available [here](#).

<sup>638</sup> ECtHR, *M.R and others against Poland*, Application No 11247/18, lodged on 26 February 2018, available [here](#).

<sup>639</sup> ECtHR, Application no. 11247/18, Judgment, 9 February 2023, *M.R and others against Poland*, available in French [here](#).

<sup>640</sup> ECtHR, Application 404464/22, *M.S.T. and Others against Poland*, communicated 5 April 2023, available [here](#).

<sup>641</sup> ECtHR, Application, *Z.H.R. and others v Poland*, communicated 16 May 2023, available [here](#).

applicants further complained that the centre was not adjusted to the needs of minor applicants – they indicate that a prolonged stay in the centre was unnecessary and harmful for the psychological development of the children who did not receive adequate medical treatment. Lastly, they complain, that the decisions ordering their detention lacked legal and factual grounds, the review of their appeals against their detention orders was limited in scope and the respective procedure lacked the necessary guaranties.<sup>642</sup>

In November 2019, a complaint to the UN Human Rights Committee was submitted to challenge another case of child detention. It addressed the detention of an asylum-seeking family (a single father with two children) in the detention centre in **Biała Podlaska** for 10 months, following their Dublin-transfer to Poland in November 2018. In this case, the courts did not properly assess the children's situation and their best interests. The District Court, prolonging the detention of the family, considered only the opinion of the Border Guard stating that there were no contradictions for the further children's stay in the detention centre. Likewise, Border Guard refused to release the family even though the mental condition of the children was deteriorating. On 10 February 2021, the case was communicated to the Polish government.<sup>643</sup> The case is still pending as of January 2025.

#### 4. Duration of detention

##### Indicators: Duration of Detention

- |  |           |
|--|-----------|
| 1. What is the maximum detention period set in the law (incl. extensions): | 6 months  |
| 2. In practice, how long in average are asylum seekers detained?           | See below |

The decision to detain an asylum applicant is issued for a period up to 60 days by a court, upon request from the Border Guard.<sup>644</sup> If a foreigner presents an asylum application during the stay in the detention centre, the period of detention is prolonged only if the [Grounds for Detention](#) of an asylum applicant mentioned before are met. If so, then the applicant's stay in the detention centre is prolonged for up to 90 days from the day of filing the asylum application.<sup>645</sup> The period of a stay in a detention centre can also be prolonged if before the end of the previous period of detention, the final decision concerning international protection was not issued and the reasons to detain the applicant still exist. In this case, detention can be prolonged by a court for a specified period of time. There are no timeframes set in law other than the maximum total period of asylum applicants' detention, which is 6 months for asylum applicants and maximum 18 months for persons facing removal.<sup>646</sup> Prolongation is not possible if the procedure concerning reasons of detention is still ongoing e.g., delay cannot be attributed to any fault on the part of the applicant.<sup>647</sup> However, this is not reflected in courts' decisions.<sup>648</sup>

If third country nationals apply for asylum from detention, their stay in detention can be prolonged for 90 days and if their application is rejected, their stay in detention can be prolonged even if they lodge an appeal against the negative asylum decision. If the asylum proceedings will end with a final decision within 6 months of applying for refugee status, asylum applicants will spend their whole asylum proceedings in detention. In practice it means that foreigners do not know how long they will be in detention centre which caused the distress, anxiety and exacerbated the deterioration of their psychological state. Automatic and

<sup>642</sup> ECtHR, Application no. 22399/22, *M.H.D. and Others against Poland*, communicated on 10 July 2023, available [here](#).

<sup>643</sup> HFHR, *Pierwsza sprawa z Polski dotycząca detencji cudzoziemców przed Komitetem Praw Człowieka ONZ*, available in Polish [here](#).

<sup>644</sup> Article 89(1) Law on Protection.

<sup>645</sup> Article 89(2)-(3) Law on Protection.

<sup>646</sup> Article 89(4)-(5) Law on Protection; Article 404(5) Law on Foreigners.

<sup>647</sup> Article 89(4a) Law on Protection.

<sup>648</sup> SIP, 'Another intervention before the ECHR concerning the detention of migrants in Poland', 20 October 2023, available [here](#) and [here](#).

long detention of the foreigners,<sup>649</sup> lack of proper psychological assistance resulted in hunger strikes in the past and suicidal attempts.<sup>650</sup>

## C. Detention conditions

### 1. Place of detention

#### Indicators: Place of Detention

1. Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

There are two types of detention centres in Poland, both used for detaining asylum applicants and foreigners subject to return procedures, namely guarded centres and so-called rigorous detention centres.

All detention centres are for migration-related purposes and the Border Guard is in charge of their management. Asylum applicants are never placed in regular prisons with ordinary prisoners but are detained together with migrants in an irregular situation in a guarded centre or rigorous detention centre. There is no special facility where only asylum applicants are detained.

The design and layout of some of the centres create the impression of a prison-like environment: thick walls, bars in the windows (**Krosno, Białystok, Przemyśl**)<sup>651</sup> and on the corridors. In addition, all centres are surrounded by high walls topped with barbed wire.<sup>652</sup>

There is the possibility of limiting the personal space of a foreigner to only 2 m<sup>2</sup> – contrary to international standards - in detention centres, and there is insufficient access to medical and psychological care.<sup>653</sup>

#### 1.1. Guarded centres

At the end of 2024 there were 5 guarded detention centres in Poland, which were destined to different demographics: **Białystok, Przemyśl, Kętrzyn, Biała Podlaska** and **Krosno Odrzańskie** (closed for renovation in September 2024) were for men. Women, married couples, unaccompanied children and families with children were placed in **Lesznowola**.

<sup>649</sup> SIP, 11 September 2024, 'PLN 50,000 compensation for wrongful detention in a guarded center for an Iraqi refugee', available in Polish [here](#); /Regional Court in Łódź, XVIII Ko 30/23, 15 May 2024, mentioned in SIP, 'PLN 12,000 for 53 days of illegal detention in a guarded center for foreigners', 24 June 2024, available in Polish [here](#); HFHR, 11 December 2024, 'Court awards PLN 40,000 compensation to Ethiopian man for wrongful placement in SOC for 179 days', available in Polish [here](#).

<sup>650</sup> HFHR, 26 January 2023, 'Hunger strikes in guarded centres for foreigners - position and recommendations of the HFHR', available in Polish [here](#).

<sup>651</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>652</sup> Information BG, Przemyśl 10 March 2023, Krosno 3 March 2023.

<sup>653</sup> SIP, 'We intervene before the UN Committee on Economic, Social and Cultural Rights', 5 September 2024, available in Polish [here](#). Information from different Border Guards units, 2025.

Detention centres for foreigners are located in:

Centre	2021		2022		2023		2024	
	Capacity	Occupancy at end of year	Capacity	Occupancy at end of year	Capacity	Occupancy at end of year	Capacity	Occupancy at end of year
Biała Podlaska	188	0	130	74	130	103	100	90
Biała Podlaska (adapter open centre)	200	152	0	0	-	-	-	
Białystok Czerwony Bór	141 147	134 122	159 0	155 0	159 -	57 -	159	125
Lesznówola	192	147	392	158	200	48	267	87
Kętrzyn	478	392	220	48	137(10)	129	108	98 (144 as of 30.06.24)
Krosno Odrzańskie Wędrzyn	80 700	74 612	80	79	80 -	80 -	0	0 as it was closed for renovation, but at the end of June 2024 there were 79 persons
Przemyśl (guarded centre)	145	81	147	131	147 <sup>654</sup>	131	147	106
Przemyśl (Arrest for Foreigners)	37	23	24	8	24	9	24	9
<b>Total</b>	<b>2,308</b>	<b>1,737</b>	<b>1,152</b>	<b>535</b>	<b>877</b>	<b>509</b>	<b>805</b>	

Source: Border Guard, 1 February 2022, 29 March 2022, 25 January 2023, 7 March 2023, 12 February 2024, Headquarters 21 March 2024. Information from different Border Guard divisions, 2025.

According to the Border Guard, there is a possibility to change a room upon justified demand, depending on availability and safety reasons.<sup>655</sup>

In 2024, the number of migrants and asylum applicants hosted in the centres were as follows: 538 in Białystok, 552 in Biała Podlaska, 447 in Lesznówola, 460 in Kętrzyn and 218 in Krosno.<sup>656</sup> The average stay in detention centre in Przemyśl was 5 months, in Kętrzyn 155 days and in Lesznówola 110 days at the end of the year.<sup>657</sup>

Polish authorities removed bars from the windows in some detention centres and installed special secure windows in **Lesznówola, Kętrzyn and Biała Podlaska** (in a reopened detention centre).<sup>658</sup>

<sup>654</sup> Since 1 February 2024 – 93 places in detention centre in Przemyśl.

<sup>655</sup> Information provided different Border Guards Units, 2025.

<sup>656</sup> Information from different Border Guards Units, 2025.

<sup>657</sup> Information from different Border Guard Units, 2025.

<sup>658</sup> Information provided by different divisions of Border Guard, 2025.



## 1.2. “Rigorous detention centres” (*areszt dla cudzoziemców*)

The term, literally translated as “arrests for foreigners”, replaced that of “pre-removal centres” as of 1 May 2014. These facilities impose more rigorous conditions of detention than guarded centres.<sup>659</sup> At the end of 2024, there were 24 places in **Przemyśl** for men and women.<sup>660</sup> The building is single unit with a separate entrance. The facility is covered by video surveillance that includes residential cells, public areas and the outside area 24 hours per day.<sup>661</sup>

An asylum applicant can be placed in a more rigorous detention centre for foreigners only if there is a risk that they will not obey the rules in force in a guarded centre or the applicant has already disobeyed these rules.<sup>662</sup> These detention centres are more prison-like than guarded centres. An asylum applicant placed in such a centre cannot freely move around (they are closed in the ward). In practice, it means that foreigners have to stay in a cell for most of the day and have limited access to additional activities. Asylum applicants have limited access to the internet and the phone. They have to knock at the door to be taken to the toilet, in some cases having to wait for a long period of time.<sup>663</sup>

According to the Commissioner for Human Rights, sanitary and living prison-like conditions are not sufficient and not meeting the provisions of the international standards of the rights of persons in administrative detention.<sup>664</sup> The facility needs urgent renovation works. One of the problems was the lack of sanitary corners in the cells. Therefore, individuals who stay there for a couple of months have to call an officer every time they need to use the toilet. In the case of high occupancy in the facility, this can result in prolonged waiting times to deal with physiological needs.<sup>665</sup> The living cells are permanently monitored and furniture items are permanently fixed to the floor.<sup>666</sup>

Persons detained have a right to use two walking yards, twice a day by one hour. On the other hand, in the opinion of the representatives of the Commissioner, health condition of foreigners placed in this facility was justifying their release from detention. Furthermore, there were, among others, 6 Afghan nationals, who were previously not placed in detention centre for foreigners.<sup>667</sup>

The Commissioner also pointed out that the very mode of placing foreigners in rigorous detention raises concerns. The risk that a foreigner may not adhere to the rules of their stay is considered to be a sufficient ground for placing in this type of facility. However, the concept of “risk” is vague. If it does not have to be assessed on the basis of the facts of a specific case, it may lead to abuse of detention.

Previously, the NPM analysed court decisions on the detention of foreigners in the Guarded Centre and Detention Centre for Foreigners in **Przemyśl**. It was found that, in some situations, sufficient arguments for doing so - bypassing the guarded centre - included crossing the border in violation of the law, lack of documents or the assumption that Poland was supposed to be a transit country for the foreigner. And it did not appear from the documentation that the persons actively resisted arrest or demonstrated in any

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<sup>659</sup> Order No 23 of the Ministry of Interior of 1 July 2014 on the designation of areas in which the arrest for foreigners is executed.

<sup>660</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#). Information provided by the Bieszczadzki Border Guard Unit, 2025.

<sup>661</sup> Information provided by BG, 10 March 2023.

<sup>662</sup> Article 88a(2) Law on Protection.

<sup>663</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>664</sup> Ibid.

<sup>665</sup> Ibid.

<sup>666</sup> Commissioner for Human Rights, *Cudzoziemcy zbyt łatwo trafiają do aresztu – zamiast do ośrodka. Wystąpienie do MSWiA, Foreigners are too easily taken into custody - instead of a centre. Submission to the Ministry of the Interior and Administration, February 2023, available in Polish [here](#), Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).*

<sup>667</sup> Commissioner for Human Rights, ‘Visit in detention centre in Przemyśl’, 8 February 2022, available in Polish [here](#).

way that they would not comply with the regulations of the guarded centre. According to the Commissioner, the risk of non-compliance with the rules of stay in a guarded centre should be real and examined on a case-by-case basis, based on the specific attitude and behaviour of the foreigner.<sup>668</sup>

## 2. Conditions in detention facilities

### Indicators: Conditions in Detention Facilities

- |   |   |  |
|---|---|--|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ If yes, is it limited to emergency health care?       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

The Law on Foreigners contains a section on detention conditions, rights and obligations of foreigners.<sup>669</sup> Some practices relating to the functioning of the centres have now been framed into legal provisions.

### 2.1. Overall conditions

At the end of 2024 there were 5 detention centres (**Białystok, Kętrzyn, Biała Podlaska, Przemyśl, Lesznowola, with Krosno Odrzańskie closed for renovation**).

Generally, detainees are accommodated in rooms, which cannot be locked at night for security matters.<sup>670</sup>

In some detention centres, the food is provided by external providers (**Biała Podlaska**), while in others it is prepared in the centres (e.g., in **Białystok**). There are specialised diets available e.g., vegetarian, vegan, adapted to Muslims, adapted to pregnant or breastfeeding women or diabetics. Other diets may be prescribed by a physician and should be followed accordingly.

The main equipment in a room in the detention centre consists of beds, small wardrobes and a small table.

If detainees cannot have all their belongings in their room, they have to place them in the external storage space in the centre. Some of their belongings are also placed there for safety reasons and can be accessed only upon request.

In **Lesznowola**<sup>671</sup>, **Biała Podlaska**,<sup>672</sup> **Krosno**<sup>673</sup> there is a television in each room, gym, and outdoor pitch. NPM found that the conditions in the detention centre at Krosno Odrzańskie were unsatisfactory, indicating that the Border Guard was not fully meeting their legal obligations. This includes providing proper social services and creating an environment that allows access to cultural, educational, and sports activities, as well as promoting integration and facilitating access to the external environment for detainees. In addition, the toilets and the washing cabins were only built up to 1m high and did not provide

<sup>668</sup> Commissioner for Human Rights, *Cudzoziemcy zbyt łatwo trafiają do aresztu – zamiast do ośrodka. Wystąpienie do MSWiA, Foreigners are too easily taken into custody - instead of a centre. Submission to the Ministry of the Interior and Administration*, available in Polish [here](#), NPM, Report on a visit in arrest in Przemyśl, 30 January 2023, available in Polish, [here](#).

<sup>669</sup> Articles 410-427 Law on Foreigners.

<sup>670</sup> CPT Report 2018, available [here](#).

<sup>671</sup> Commissioner for Human Rights, visit in detention centre in Lesznowola on 8 February 2022, available in Polish [here](#). Information provided by different Border Guards Units in 2025.

<sup>672</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#). CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#). Information provided by the Nadwiślański Border Guard Unit, 7 February 2025.

<sup>673</sup> Information provided by Nadodrzański Border Guards Unit, 25 February 2025.

a cover on 3 sides.<sup>674</sup> The most common problem in terms of administrative proceedings conducted by officers against foreigners was the language barrier and also the availability of translators.<sup>675</sup>

Furthermore, the detention centres look like prisons and detention centres in **Krosno Odrzańskie**, **Białystok**, and **Przemyśl** have rooms with barred windows.<sup>676</sup> Representatives of the Commissioner for Human Rights also conducted inspections of the detention centre in **Przemyśl** in 2023. They pointed out that bars are still installed in the windows which emphasise the penitentiary nature of the facility.<sup>677</sup> Up to the present, there are reports that Border Guards address detainees using their identification numbers rather than names.<sup>678</sup>

## 2.2. Activities and education

As it was mentioned earlier, the profiles of some detention centres were modified in 2021-2023.

In **Krosno** there are no recreational and sports activities organised for the foreigners.<sup>679</sup> On the other hand, in some detention centres the open-air space is of adequate size and sufficient recreational facilities are provided.

In practice, detainees can do outdoor exercises regularly. Detainees can watch television without any limitations, including until late at night.<sup>680</sup>

It is worth noting that foreigners are under constant supervision of the Border Guard officer.

Furthermore, on 27 January 2017, the Border Guard Chief Commander ordered the blocking of sites with presumed terrorist-related and extremist content, social media and instant messaging platforms such as WhatsApp, and Messenger. This order was not publicly available in 2024. New technologies such as VoIP (Voice over Internet Protocol) are also forbidden for security reasons even though the CPT recommended this kind of communication to be available for use by foreigners in detention centres.<sup>681</sup> On the other hand, foreigners placed in some detention centres can use Skype after signing up for the list.<sup>682</sup>

Moreover, migrants cannot use their smartphones with access to the Internet, which means that access to the Internet is possible only in dedicated rooms with computers.<sup>683</sup>

<sup>674</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>675</sup> Supreme Audit Office, NIK, 'Przygotowanie organów państwa na wypadek masowego napływu cudzoziemców do Polski [Preparation of state bodies in case of a mass influx of foreigners to Poland]', 22 November 2022, available in Polish [here](#). Border Guards Headquarters, 7 March 2025.

<sup>676</sup> Information provided by the Border Guards in Białystok and Krosno, 2025.

<sup>677</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>678</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#). Information provided by HFHR and sIP, March 2025.

<sup>679</sup> Commissioner for Human Rights, 'The centre for foreigners in Wędrzyn does not meet the standards for the protection of their rights. Conclusions after the third visit of the BRPO', 24 January 2022, available in Polish [here](https://bit.ly/3M7oXpx): <https://bit.ly/3M7oXpx>; Supreme Audit Office, NIK, 'Przygotowanie organów państwa na wypadek masowego napływu cudzoziemców do Polski [Preparation of state bodies in case of a mass influx of foreigners to Poland]', 22 November 2022, available in Polish [here](#); See also Amnesty International, *Poland: Cruelty Not Compassion, At Europe's Other Borders*, 11 April 2022, available [here](#).

<sup>680</sup> Information provided by the Border Guard, 2023.

<sup>681</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 11 to 22 May 2017*, 25 July 2018, available [here](#), 28. See also Commissioner for Human Rights, *Wyciąg Strzeżony Ośrodek dla Cudzoziemców w Białej Podlaskiej*, 7 January 2019, available (in Polish) [here](#).

<sup>682</sup> Information provided by the Border Guard, 2023.

<sup>683</sup> See also Amnesty International, *Poland: Cruelty Not Compassion, At Europe's Other Borders*, 11 April 2022, available [here](#). Border Guards Headquarters, 7 March 2025.

Not all detainees have phones or SIM cards and there are no publicly available telephones. They can request to use a cell phone at the disposal of Border Guards<sup>684</sup> only if they have a sim card. According to the NPM, domestic legal regulations restrict the use of cell phones for foreigners in detention facilities who do not have identity documents as the law requires that individuals possess a passport or residence card to register the SIM card. Additionally, migrants have to cover the phone costs and it was pointed out that in the case of migrants who do not have financial means in the detention centre, their right to have contact with the outside world can be restricted.<sup>685</sup>

In some centres, there are libraries with books in several languages, for example in Russian, English, and French. There are also popular games to play (e.g., chess, cards). At the same time, according to the Commissioner for Human Rights, foreigners complained that additional activities are rarely organised and that they feel bored.<sup>686</sup> The CPT recommended to put in place a purposeful programme of a structured activities for detained foreigners, including pre-school age children, in all guarded centres.<sup>687</sup> Detention centres provide rooms for religious practices.<sup>688</sup>

In all centres, in the corridors of each floor, there are boards which provide information in at least 1 or 2 main foreign languages (Russian and/or English). They provide information on the asylum applicants' rights and/or the rules of stay in the detention centre, mealtimes and contact details of NGOs, UNHCR and – depending on the centre – on access to the doctor and psychologist.

In all centres, each asylum applicant and the irregular migrant has an officer appointed to their case with a scheduled meeting to discuss their case.

The rules of stay in the detention centres are available in 17-25 languages: Arabic, English, Ukrainian, Russian, French, Armenian, Chinese, Georgian, Hindi, Spanish, Mongolian, Persian, Turkish, Farsi, Urdu, Bengali and Vietnamese<sup>689</sup>, Kurdish in some centres,<sup>690</sup> Albanese, Belarusian, German, Armenian<sup>691</sup> Amhara, Tigrinia Sorani, Pendzabi.<sup>692</sup>

According to the CPT, specific attention should be paid to the situation of those detainees who are illiterate or who cannot understand any language in the written form.<sup>693</sup>

Children staying in the guarded centres are – like all other children staying in the territory of Poland – subject to obligatory education until they are 18. However, this obligation, set in the Polish Constitution,

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<sup>684</sup> Letter of Border Guards in Chełm, 6 February 2025.

<sup>685</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>686</sup> Commissioner for Human Rights, Letter to the Regional Courts, 25 January 2022, available [here](#). See also: Amnesty International, *Poland: Cruelty Not Compassion, At Europe's Other Borders*, 11 April 2022, available [here](#). CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#). Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>687</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>688</sup> Supreme Audit Office, NIK, 'Przygotowanie organów państwa na wypadek masowego napływu cudzoziemców do Polski [Preparation of state bodies in case of a mass influx of foreigners to Poland]', 22 November 2022, available in Polish [here](#);

<sup>689</sup> Information provided by the Border Guard, 7 January 2023.

<sup>690</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available in English, [here](#). Letter from Podlaski Border Guard Unit, 6 February 2025.

<sup>691</sup> Letter from Bieszczadzki Border Guard Unit, 24 February 2025.

<sup>692</sup> Letter from Nadwiślański Border Guard Unit, 7 February 2025.

<sup>693</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available in English, [here](#).

is not fulfilled in the case of children staying in guarded centres.<sup>694</sup> None of the children staying there attends school.<sup>695</sup> Schools near the detention centre delegated teachers to work in detention facilities. Special classrooms are prepared in these centres. This is the result of agreements between the Border Guard, educational institutions and local authorities.<sup>696</sup>

### 2.3. Health care and special needs in detention

According to the law, all detainees have access to regular health care.<sup>697</sup> Generally, physicians and nurses are hired to work in detention centres. Unfortunately, in some detention centres access to the physician and psychologists – especially if provided by NGOs – was significantly restricted in 2023.<sup>698</sup> In 2024 there was no NGO providing psychological assistance in detention centres directly or online, inter alia due to funding issues, issues in accessing detention centres, etc.<sup>699</sup> Difficulties in accessing female physicians, paediatricians and gynaecologists were also observed.<sup>700</sup>

In some detention centres nurses are present daily from 7.30 a.m. until 9.30 p.m. According to law, a person admitted to a guarded centre should be immediately subjected to a medical examination.

In case of an emergency or the need for a specialist (e.g. gynaecologist), detainees are transferred to hospitals or clinics. Migrants also faced problems to have an external visit at their own expense with a physician of their choice as the director of the detention centre had to issue consent to such a consultation.<sup>701</sup>

The NPM in one of its recommendations stated that Border Guards should raise the number of medical staff hired in detention centres, and families with children and single women should have access to paediatricians, genealogists and migrants' right to choose a physician and the approval of that choice should not depend on the opinion of the medical staff employed at the centre.

After the visit in 2022, CPT recommended that number of nurses and the doctor's presence should be increased. Another recommendation was to ensure to be presence also at night in detention centre trained in first aid (who holds a valid certification in the application of cardiopulmonary resuscitation and the use of an automated external defibrillator).<sup>702</sup>

Additionally, CPT recommended Polish authorities to put an immediate end to the use of restraint beds in detention facilities for foreigners and remove them from detention centres.<sup>703</sup>

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<sup>694</sup> Commissioner for Human Rights, *Foreigners in administrative detention. Results of the KMPT monitoring in guarded centres for foreigners in Poland*, March 2021, available in Polish [here](#). Commissioner for Human Rights, Letter to the Regional Courts, 25 January 2022, available [here](#); SIP, *We present our comments to the European Commission Against Racism and Intolerance*, 15 June 2022, available [here](#).

<sup>695</sup> SIP, 'We intervene before the UN Committee on Economic, Social and Cultural Rights', 5 September 2024, available in Polish [here](#).

<sup>696</sup> Letter from Nadwiślański Border Guard Unit, 7 February 2025.

<sup>697</sup> Articles 415(1)(5) and 417 Law on Foreigners.

<sup>698</sup> Information provided by PFM, RPO, Pomoc psychologiczna w strzeżonych ośrodkach dla cudzoziemców – także ze strony NGO-sów, Commissioner for Human Rights, March 2023, available in Polish, [here](#). RPO, October 2022 available in Polish, [here](#).

<sup>699</sup> Information provided by NGOs in the field, January 2025.

<sup>700</sup> FIPP, March 2024; *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>701</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>702</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>703</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).



The NPM, recommended that the scope of the medical examination and the medical certificate should refer to the detention and assess whether there is a reasonable presumption of subjection to violence. The so-called body maps should be used during the examinations of all foreigners and medical conduct of body marks as marks of violence, including torture should be performed.<sup>704</sup> The practice of body maps was introduced in the detention centres in Biała Podlaska, Kętrzyn, Przemyśl and Białystok.<sup>705</sup>

The NPM recommended also that the detention centre in Przemyśl should develop an examination methodology to identify victims of torture, including through skin inspection, as well as the documentation of identified injury traces in accordance with the instructions in the Istanbul Protocol and reorganising the method of storing medical records of foreigners, in particular in a way that ensures the preservation of the chronology of documents and prevents their loss.<sup>706</sup>

The issue of access to psychological assistance in detention centres is a much more serious matter.<sup>707</sup> According to the National Prevention Mechanism, in Poland, there is a systemic, long-lasting problem of identification of persons who have experienced torture or any other form of physical, psychological or sexual violence.<sup>708</sup> The detention centre staff, including psychologists, are not properly prepared to identify victims of torture and inhumane treatment and do not know or do not use the content of the Istanbul Protocol.<sup>709</sup>

In September 2015, the Border Guard prepared a document entitled “Rules of BG proceedings with foreigners who need special treatment (algorithm)” because there is no definition of persons who need special treatment and there are no methods for their identification set out in law. The guidelines consist of: (i) a definition of foreigners who require special treatment, (ii) a list of persons involved in the identification, (iii) a set of solutions which simplify identification, (iv) a procedure which should be implemented before a foreigner is placed in the detention centre and (v) a procedure when a foreigner is already in detention. However, early identification of victims of torture and violence is not carried out during the preliminary examination of a foreigner on admission in practice. This document was modified in June 2019, based only on an internal consultation with the Border Guard. In the opinion of NPM, the document still needs improvements<sup>710</sup> as it is inconsistent with Polish law, the Istanbul Protocol and other international standards. These guidelines do not allow for the immediate release of foreigners who are alleged victims of violence from the guarded centre.

According to the HFHR,<sup>711</sup> the Polish authorities (BG and courts on their own motion) do not effectively identify victims of violence. Such identification should be done at the earliest possible stage while deciding on whether the person should be placed in detention. Additionally, the BG and courts should, on their own

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<sup>704</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#);

<sup>705</sup> Information provided by Border Guard Units in 2025.

<sup>706</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>707</sup> Commissioner for Human Rights / RPO, *Pomoc psychologiczna w strzeżonych ośrodkach dla cudzoziemców – także ze strony NGO-sów*, 9 March 2023, available in Polish [here](#); RPO, 17 October 2022 available in Polish [here](#).

<sup>708</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>709</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); *Krajowy Mechanizm Prewencji KMP.572.6.2023.MD, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka i Aresztu dla Cudzoziemców w Przemyślu*, 12 January 2024, available in Polish [here](#).

<sup>710</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>711</sup> Information of HFHR, March 2024.



motion, check if there are any impediments to the application of the detention measure. In practice, asylum applicants who declare in their asylum application to have been subjected to torture, are still placed in detention centres and the identification is not carried out. Moreover, some courts placed victims in detention centres stating that there is no objection to such a decision since they will have access to psychological assistance in the guarded centre. The same opinion is presented in the SG guidelines, according to which, a foreigner will not be released if psychological assistance can be provided in the guarded centre.<sup>712</sup>

According to the representative of a National Prevention Mechanism, the guidelines for examining and documenting injuries based on the principles described in the Istanbul Protocol (especially regarding the use of so-called body maps) are not implemented by the medical staff in detention centres and arrest in Przemyśl.<sup>713</sup> For example, the NPM reported that a victim of torture was placed in the rigorous detention centre in Przemyśl, with the guidelines not applied in his case.<sup>714</sup>

The CPT recommended that medical screening upon admission to a detention centre should include recording of any signs of injury, together with any relevant statements of the detained person and the doctor's conclusions. A dedicated register on injuries observed during admission and detention should be put in place and attention should be paid to the possible existence of traumatic psychological disorders and signs of victimisation. Furthermore, special training should be provided to healthcare professionals working in guarded centres for foreigners which should cover the technique of interviewing persons who may have been subject to ill-treatment.<sup>715</sup>

Additionally, the CPT noted that none of the centres<sup>716</sup> benefitted from regular visits by a psychiatrist, and there were no clinical psychologists in any of the healthcare teams. Psychologists employed by the Border Guard formed part of the administrative staff and were usually not involved in any therapeutic work. Consultations by an external psychologist could be organised on an ad hoc basis, based upon the recommendation of health-care professionals or upon request by the detained foreign nationals, their lawyers or NGO representatives supporting the detained persons.<sup>717</sup>

According to the CPT's report, medical confidentiality was generally respected by staff in the detention centre, but due to language barriers and a lack of professional interpretation arrangements, translations during the medical checks were done in the presence and assistance of the other detained foreigners. That is why the CPT recommended ensuring that qualified interpretation is available in all cases when there is a language barrier and the healthcare professional is unable to make a proper diagnostic evaluation and/or communicate treatment need. Additionally, the Committee highlighted that interpretation by a fellow detainee should be avoided by all means.<sup>718</sup>

In 2024 in a guarded centre in **Kętrzyn**, 2 psychologist officers were available full-time.<sup>719</sup>

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<sup>712</sup> "Rules of BG proceedings with foreigners who need special treatment (algorithm)", 2015.

<sup>713</sup> RPO, *Notatka służbowa z wizytacji KMPT w Strzeżonym Ośrodku i Areszcie dla Cudzoziemców w Przemyślu. Styczeń 2023, [Note from the NPM's visit to the Guarded Centre and Arrest for Foreigners in Przemyśl]*, 30 January 2023, available in Polish [here](#).

<sup>714</sup> RPO, *Notatka służbowa z wizytacji KMPT w Strzeżonym Ośrodku i Areszcie dla Cudzoziemców w Przemyślu. Styczeń 2023, [Note from the NPM's visit to the Guarded Centre and Arrest for Foreigners in Przemyśl]*, 30 January 2023, available in Polish [here](#).

<sup>715</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available in English, [here](#).

<sup>716</sup> In Białystok, Biała Podlaska and Wędrzyn.

<sup>717</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>718</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>719</sup> Information of Warmińsko-Mazurski Border Guards Unit, 6 February 2025.

In **Krosno** external psychologist was present only for 8 hours a week in 2024.<sup>720</sup>

In **Przemyśl**, psychologists: internal and external are available 80 and 20 hours a month, respectively.<sup>721</sup>

In **Biała Podlaska** detention centre there are two psychologists hired full-time: a civil worker and a border guard officer. Additionally, the external psychologist was hired for 4-8 hours a week to primarily provide psychological consultations.<sup>722</sup>

In **Lesznowola**, a full-time psychologist who is also a Border Guard officer was hired, and there is one external psychologist available upon request, typically 1-2 times per week.<sup>723</sup>

In **Białystok**, there were 2 psychologists – one external (available 3 times a week and at the request) and one internal, full time.<sup>724</sup>

In practice, the limited access to independent psychological care raises great concerns.<sup>725</sup> The Border Guards refused to allow psychologists to hold meetings with specific individuals in 2023 in detention centres, declaring that foreigners have access to psychological care in detention centres.<sup>726</sup>

The Commissioner for Human Rights reported many irregularities which concerned psychological assistance and underlined that the number, the frequency and the description of the consultations showed that they were only preliminary interviews and diagnoses. Long-term psychological support was not provided. Additionally, the Commissioner pointed out that the fact that only one psychologist provides psychological assistance in detention centres limits the availability of psychological support. There is a high risk that this psychologist will not be available when support during a foreigner's mental crisis is needed and there will be no one who could substitute them and provide psychological assistance. Moreover, foreigners should have the possibility to choose a psychologist. Otherwise, a detainee who is unable to trust an available psychologist, will not have access to effective psychological support. Moreover, the Commissioner pointed out that a person who does not feel comfortable in the presence of a particular psychologist, will not take advantage of the support. Regardless of their competence, a psychologist may not be the right person to provide support in a particular case because of his/her age, gender, appearance or even way of speaking. In a situation of a multicultural population in detention centres, the human factor plays an even more important role and the more difficult it can be to build trust. Therefore, it is very important to be able to get psychological help from more than one person. When there is no alternative, when a person is not able to trust the only psychologist providing support in a given centre, psychological care will no longer be realistically available.<sup>727</sup>

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<sup>720</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>721</sup> Information provided by the Bieszczadzki Border Guard Unit, 24 February 2025.

<sup>722</sup> Letter from the Nadbużański Border Guard Unit, 6 February 2025.

<sup>723</sup> Information provided by the Border Guard, 7 February 2025.

<sup>724</sup> Letter of Podlaski Border Guards Unit, 6 February 2025.

<sup>725</sup> See also: Amnesty International, *Poland: Cruelty Not Compassion, At Europe's Other Borders*, April 2022, available [here](#).

<sup>726</sup> Information from PFM, March 2023; Commissioner for Human Rights / RPO, *Pomoc psychologiczna w strzeżonych ośrodkach dla cudzoziemców – także ze strony NGO-sów*, 9 March 2023, available in Polish [here](#); RPO, 17 October 2022, available in Polish [here](#).

<sup>727</sup> Commissioner for Human Rights, *Foreigners in administrative detention. Results of the KMPT monitoring in guarded centres for foreigners in Poland*, March 2021, available in Polish [here](#).

### 3. Access to detention facilities

#### Indicators: Access to Detention Facilities

##### 1. Is access to detention centres allowed to

❖ Lawyers:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ NGOs:	<input type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input checked="" type="checkbox"/> No
❖ UNHCR:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ Family members:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No

The law allows lawyers, NGOs and UNHCR to access detention centres.<sup>728</sup> Detained asylum applicants are entitled to maintain contacts with UNHCR, attorneys, relatives and organisations dealing with asylum issues or granting assistance (directly and by using correspondence and telephone calls). Direct contact with UNHCR and organisations can be limited or restricted completely by the head of the detention centre if it is necessary to ensure safety and public order or to observe the rules of stay in the detention centre. The decision of the head of the centre is final.<sup>729</sup> The Head of the Office for Foreigners and UNHCR should be informed about it.<sup>730</sup> On the other hand, direct contact with NGOs by foreigners who are detained and have not applied for international protection, cannot be restricted according to law.<sup>731</sup>

Since 2022, NGOs visit detention centres regularly, funded from other sources of financing. On the other hand, there is no state-founded systemic legal assistance to foreigners granted by law.<sup>732</sup> The CPT underlined that there should be access to the public fund legal assistance.<sup>733</sup>

As a general rule, NGOs have to ask for the consent of a manager of the detention centre to meet with a specific asylum applicant. Lawyers, family members and relatives or NGOs can meet with a detainee during visiting hours.

There are no limitations concerning the frequency of such visits. The journalists and politicians have access to detention centres under general rules, they have to ask for the consent of the SG unit managing the detention centre.

In practice, NGOs which want to meet with more than one or with unspecified asylum applicants, monitor conditions in a detention centre etc. must ask the BG Commander in Chief in writing for permission to visit a detention centre. Since 2017, permission is granted by the Border Guard Headquarters. Nevertheless, visits are generally not limited to visiting hours. On the other hand, starting from 2021 and up to and including 2024 NGOs providing psychological assistance started to face problems in accessing detention centres, due to attitude of the Border Guards and lack of direct funding. Moreover, private visits by a psychologist to the detention centre are refused by the Border Guards.<sup>734</sup>

Visits from relatives or religious representatives are authorised. Any visit should not last more than 90 minutes, but it can be prolonged in justified cases by the manager of the centre. Two adults have a right to take part in the meeting. The number of children is not limited.<sup>735</sup> Non-scheduled visitors as a rule do not have the possibility to meet with the asylum applicant (but the manager of the detention centre can make exceptions from the above-mentioned rules, especially when it is needed to maintain family ties and care for children).<sup>736</sup>

<sup>728</sup> Article 415(1)(2), (3) and (19) Law on Foreigners and Article 89a(1)(2) Law on Protection.

<sup>729</sup> According to the Law on Protection, it will be possible only to limit such contact.

<sup>730</sup> Article 89a(1) and (2) Law on Protection.

<sup>731</sup> Article 415(1a) Law on Foreigners.

<sup>732</sup> Commissioner for Human Rights, *Foreigners in administrative detention. Results of the KMPT monitoring in guarded centres for foreigners in Poland*, March 2021, available in Polish [here](#).

<sup>733</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>734</sup> Information from SIP, 10 April 2025.

<sup>735</sup> Para 21 of the Rules of foreigners' stay in guarded centre and arrest for foreigners (Annex to the Regulation on detention centres).

<sup>736</sup> Para 23 of the Rules of foreigners' stay in guarded centre and arrest for foreigners (Annex to the Regulation on detention centres).

There is no limitation in using cell phones (without a video recording system and access to the Internet). In detention centres, the BGs have several hundreds of substitute cell phones without a camera which they provide to foreigners in case they only have smartphones or SIM cards with no phone. The cell phones are handed over for the whole day for free. On the other hand, detainees themselves pay for the calls and for the SIM cards if they have financial means. If the asylum applicant does not have money to buy a SIM card, there is a possibility of using the BG's equipment but only in justified cases.

The Law on Foreigners foresees sanctions on a detainee who does not obey the rules in the detention centre. There are two possibilities: banning participation in sport and leisure activities (except for using the library); or banning the purchase of food and cigarettes from outside the centre.<sup>737</sup>

When deciding upon the application of either of these two sanctions, the BG Regional Commander takes into account the general behaviour of the detainee, the level of disobedience, cultural background, etc. In 2024, this sanction was used 18 times in **Przemyśl**, **Krosno** and **Kętrzyn** for 7 days.<sup>738</sup>

The Border Guard officers buy products (food and basic necessities) requested by detainees usually once a week if the migrants have money in a deposit.<sup>739</sup> According to the NGOs, the current available funding for this purpose is insufficient. On the other hand, the detainees cannot receive any food or liquid things in packages from other people but they can request specific items through online applications in some detention centres.<sup>740</sup>

## D. Procedural safeguards

### 1. Judicial review of the detention order

#### Indicators: Judicial Review of Detention

- |   |   |                             |
|---|---|-----------------------------|
| 1. Is there an automatic review of the lawfulness of detention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. If yes, at what interval is the detention order reviewed?    | Not available                           |                             |

Detention is ordered by the District Court, criminal division, upon request of the BG. Prolongation of detention is also ordered by the District Court, upon request of the BG. In practice, it means that two different courts may decide on placing in detention and prolonging it, as the competent court are based on place of residence. The stay of an asylum applicant in the detention centre can be prolonged if before the end of the previous period of detention, the final decision concerning the application for international protection is not issued and the reasons to detain the applicant still exist.<sup>741</sup>

Asylum applicants should be informed of the grounds of their detention, legal remedies and their rights. Information on the reasons for detention is given first in the court, orally (while deciding on detention), and translated into a language understandable for the asylum applicant. The court has a clear obligation to hear the person concerned before rendering a decision.<sup>742</sup> However, since the migration situation at the Polish -Belarusian border in 2021, the foreigners are not transported to the courts, but take part in court proceedings online.

In all guarded centres, when the person arrives at the centre, there should be a meeting during which a detainee receives information about the centre. Although, in practice, asylum applicants do not understand the reasons for their detention and their legal situation and do not have basic information on

<sup>737</sup> Article 421(2) Law on Foreigners.

<sup>738</sup> Information provided by the Bieszczadzki Border Guard Unit 24 February 2025, Letter of Warmińsko-Mazurski Border Guards Unit, 6 February 2025 and Nadodrzański border Guard Unit, 25 February 2025.

<sup>739</sup> Information provided by HFHR March 2023.

<sup>740</sup> Letter of Podlaski, Bieszczadzki and Nadwiślański Border Guards Unit, February 2025,

<sup>741</sup> Article 89(4) Law on Protection.

<sup>742</sup> Article 88b(1) Law on Protection.

their rights and their legal situation, for example concerning the length of their detention<sup>743</sup> which has a very negative impact on the mental state of the detained foreign nationals.<sup>744</sup>

The law provides for judicial review of the lawfulness of detention.<sup>745</sup> Asylum applicants can appeal against a District Court ruling to the Regional Court within 7 calendar days from the day the ruling is pronounced. In prolongation cases, it is 7 days from the notification of the ruling to an asylum applicant.<sup>746</sup> In this appeal, the detainee can dispute the grounds for their detention. The Law on Foreigners envisages 7 days for the examination of the appeal.<sup>747</sup>

Asylum applicants receive rulings in the language they should understand; a literal translation of a ruling rendered in Polish. In a few cases, NGOs observed that court decisions were not translated in a language that it is not known by the detainee. Unfortunately, information about the deadline for appeal is not translated. In practice it means that foreigners are not aware that they are obliged to submit it within the 7-day period and when exactly this deadline starts.

The court procedure concerning detention orders is not considered effective and the equality of arms is not guaranteed in law and in practice. Courts often decide on the detention of asylum applicants without an in-depth analysis of their personal situation, and reasons for detention mentioned in the judgment are indicated very generally - without direct reference to a personal situation. Courts do not conduct evidentiary proceedings on the best interests of the child and torture victims.<sup>748</sup> Moreover, persons detained are not informed that they can apply for a free legal aid while in detention

In the appeal procedure and in a prolongation of a detention, detained migrants cannot be present in the court and present their standpoint, according to the Polish law. The application on prolongation of detention is not handed over to them, so they cannot present their reasons before the Regional Court will decide on their case. Additionally, applicants are not informed about the date of the court's meeting in advance, so they are not able to ask the court to establish a legal representative in their case, which could be financed by the state. Furthermore, the appeal has to be prepared in Polish, so appellants completely depend on NGOs to draft the appeal.

Previously the Border Guard had been requested by the District Court of **Biała Podlaska** to submit motions for prolongation of detention in due time. In 2024, motions were submitted at least seven days to two weeks before the end day of detention<sup>749</sup> or immediately.<sup>750</sup>

Every person is entitled to compensation and redress for wrongful detention from the State Treasury.<sup>751</sup> Some NGOs follow and represent cases of asylum applicants who were a victim of violence or were unjustly detained in Białystok, Olsztyn, Warsaw, Łódź, Lublin and Elbląg Regional Court.<sup>752</sup>

<sup>743</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 11 to 22 May 2017*, 25 July 2018, available [here](#), 20; and Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>744</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>745</sup> Article 88b(3) Law on Protection; Article 403(8) Law on Foreigners.

<sup>746</sup> Courts interpret differently the law in this matter – some claim that 7 days should be counted from the day of the pronouncement of the court ruling about placing the foreigner in the detention centre, some that it should be counted from the day the translated ruling is delivered to a foreigner in writing – T. Sieniow, *op. cit.*, 54.

<sup>747</sup> Article 88b(3) Law on Protection; Article 403(8) Law on Foreigners.

<sup>748</sup> Only in one case in Regional Court in Olsztyn appointed a psychologist in a detention case, Information provided by the Regional Court in Olsztyn January 2022. Witold Klaus, Monika Szulecka, Dominik Wzorek, *Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych*, Wydawnictwo Instytutu Wymiaru Sprawiedliwości, 2024, 218.

<sup>749</sup> Information provided by different branches of Border Guard, letter, January -March 2024.

<sup>750</sup> Nadwiślanski Border Guards Unit 7 February 2025.

<sup>751</sup> Article 407 Law on Foreigners.

<sup>752</sup> Information of HFHR, FIPP, Ocalenie Foundation and SIP, March 2024 and 2025.



## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?  
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?  
☐ Yes ☒ No

The law provides access to free legal assistance for the review of detention before the courts, but it is hardly ever exercised in practice.<sup>753</sup> Asylum seekers can ask the court to grant them free legal assistance, if they duly prove that they are not able to bear the costs of legal assistance, without harm to the necessary maintenance of themselves and their families.<sup>754</sup> The court has a clear obligation to inform asylum applicants in a language understandable to them about the right to ask for legal assistance.<sup>755</sup> However, this rarely happens in practice still as of January 2025, as most asylum applicants are not aware of this possibility and are not represented by a legal advisor in the District or Regional Court.

In addition, their right to defence is not observed when the court decides on the extension of their detention. Applicants are either not informed about the day of the court proceedings, or they are informed (in Polish) with very short notice. As a result, they are unable to submit a request for the lawyer on time.<sup>756</sup> Moreover, they generally do not receive a copy of the application on placing them or prolonging their stay in detention, so in practice it means that they are not able to present their standpoint in detention case.

As a result, they are dependent on legal assistance granted by NGO lawyers, most of whom are not entitled to represent them in the courts.

According to the NPM, systemic measures have to be taken to ensure that every migrant deprived of liberty could have the possibility to contact a lawyer.<sup>757</sup> Detained migrants have repeatedly complained about lack of access to legal assistance, which has resulted in a lack of understanding of applicable procedures and their legal situation.<sup>758</sup> Some among them also indicated that the decisions issued by the court to extend their stay in the centre were delivered to them with delay, in a language they did not understand which in practice made it impossible to file a complaint.<sup>759</sup>

CPT noticed that legal assistance to detainees was left almost entirely to various non-governmental organisations, whose representatives assist detained foreign nationals on a pro bono basis. The CPT recommended to take appropriate steps – in consultation with the relevant Bar Associations – to ensure that, in all guarded centres in Poland, immigration detainees can effectively benefit from the services of a

<sup>753</sup> Articles 78 Law of 6 June 1997 on the Code of Criminal Procedure, available [here](#).

<sup>754</sup> Ibid.

<sup>755</sup> Article 88b(4) Law on Protection.

<sup>756</sup> SIP, Annual Report 2019, April 2020, available in Polish [here](#).

<sup>757</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#).

<sup>758</sup> Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#).

<sup>759</sup> Commissioner for Human Rights, *Sytuacja cudzoziemców w ośrodkach strzeżonych w dobie kryzysu na granicy Polski i Białorusi Raport z wizytacji Krajowego Mechanizmu Prewencji Tortur*, [Situation of foreigners in the guarded centres in times of crisis on the border of Poland and Belarus], Report NPM, 15 June 2022, available in Polish [here](#); Commissioner for Human Rights, *Krajowy Mechanizm Prewencji KMP.572.7.2023.KK, Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej*, 4 January 2024, available in Polish [here](#); Information provided by HFHR, January 2025; CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).



lawyer in all phases of the legal procedures (including through the provision of free legal aid for foreign nationals who are not able to pay for a lawyer).<sup>760</sup>

The law foresees a state legal aid system only to prepare the appeal to a negative asylum decision. In practice, only some (in 2024, 241 cases)<sup>761</sup> foreigners decide to look for a legal representative, i.e., an advocate or a legal advisor.

## **E. Differential treatment of specific nationalities in detention**

There is no differential treatment of specific nationalities in detention in Poland. In 2024, 128 asylum applicants (the majority came from Somalia, Eritrea, Ethiopia, Sudan, Afghanistan) were released from the detention centre based on a decision of the Head of the Office for Foreigners.<sup>762</sup>

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<sup>760</sup> CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, 22 February 2024, available [here](#).

<sup>761</sup> Head of the Office for Foreigners, Public Information, 19 February 2025.

<sup>762</sup> Information Head of the Office for Foreigners, 19 February 2025.

## A. Status and residence

### 1. Residence permit

#### Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
  - ❖ Refugee status 3 years
  - ❖ Subsidiary protection 2 years
  - ❖ Humanitarian protection 2 years

**Refugee status** is granted for an unlimited period of time. Recognised refugees obtain a 3-year residence permit (*karta pobytu*).<sup>763</sup> The first permit is issued *ex officio*<sup>764</sup> and is renewed after this period for another 3 years upon request.<sup>765</sup>

**Subsidiary protection** is also granted for an unlimited time. Subsidiary protection beneficiaries obtain a 2-year residence permit (*karta pobytu*).<sup>766</sup> The first permit is also issued *ex officio*,<sup>767</sup> and is renewed after this period for another 2 years upon request.<sup>768</sup>

**Humanitarian protection** (*zgoda na pobyt ze względów humanitarnych*) is granted for an unlimited period of time. The beneficiary of humanitarian protection obtains a 2-year residence permit (*karta pobytu*).<sup>769</sup> The permit will be renewed after this period for another 2 years.<sup>770</sup> The first and subsequent cards are issued at the third-country nationals' request.<sup>771</sup>

As of 31 December 2024, there were 3,071 persons holding a valid residence permit for refugees, 14,174 persons holding a valid residence permit granted to subsidiary protection beneficiaries and 1,902 persons under the humanitarian protection scheme.<sup>772</sup>

An application for the renewal of the residence permit should be submitted 30 days before the expiration date of the current residence card.<sup>773</sup> Beneficiaries of protection are often not aware of this rule.

The issuance of the residence permit is paid and costs PLN 100 / EUR 23.20 (the amount has been raised from PLN 50 since 29 July 2022).<sup>774</sup> Only the first residence permit is issued free of charge.<sup>775</sup> The fee can be diminished by 50% if a beneficiary is in a difficult material situation (only if he or she obtains social assistance benefits) or is a minor up to 16 years old.<sup>776</sup> There is no possibility of full exoneration from the payment. The obligation to pay even only PLN 50 / EUR 11.60 sometimes prevents third-country nationals from obtaining a new residence permit. Moreover, in case of culpable loss or damage of the card, a new one will be issued subject to a higher fee of no more than PLN 300 / EUR 69.61.<sup>777</sup>

<sup>763</sup> Article 89i(1) Law on Protection.

<sup>764</sup> Article 229(2) Law on Foreigners.

<sup>765</sup> Article 89i(2a) Law on Protection.

<sup>766</sup> Article 89i(2) Law on Protection.

<sup>767</sup> Article 229(2) Law on Foreigners.

<sup>768</sup> Article 89i(2a) Law on Protection.

<sup>769</sup> Article 243(1)(4) Law on Foreigners.

<sup>770</sup> Article 243(2)(3) Law on Foreigners.

<sup>771</sup> Article 229(1) and Article 229(4)(3) Law on Foreigners.

<sup>772</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>773</sup> Article 230(2) Law on Foreigners.

<sup>774</sup> Article 235(1) Law on Foreigners. Office for Foreigners, 'Nowe stawki opłat za dokumenty wydawane cudzoziemcom', 29 July 2022, available in Polish [here](#).

<sup>775</sup> Article 236(1)(a)-(c) Law on Foreigners.

<sup>776</sup> Article 237(1) and (2) Law on Foreigners.

<sup>777</sup> Article 238 Law on Foreigners.

The Office for Foreigners, responsible for the issuance and renewal of residence permits for refugees and subsidiary protection beneficiaries,<sup>778</sup> is situated in **Warsaw**. In the case of humanitarian protection beneficiaries, the authority responsible for a residence permit issuance is the Border Guard unit that granted a permit.<sup>779</sup> However, in case of renewal it is a Border Guard unit having jurisdiction over the third-country national's current place of stay.<sup>780</sup>

The residence permit must be received in person. A permit for a child under the age of 13 should be received in person by his or her legal representative.<sup>781</sup> There is no possibility to receive this permit by another representative or by post. Moreover, beneficiaries are obliged to give their fingerprints any time they renew a residence permit.<sup>782</sup> If they refuse to give their fingerprints, the residence permit will not be issued.<sup>783</sup> The obligation to give fingerprints and mandatory personal presence to pick up the permit means that every time a third-country national has to obtain a new permit, he or she has to travel to **Warsaw** in case of refugees and subsidiary protection beneficiaries, or another town in case of humanitarian protection beneficiaries, twice, even if he or she lives far away. This can be time-consuming and costly. According to the Office for Foreigners, the obligation to collect fingerprints from an applicant is very occasionally lifted (11 cases in 2023 – physical impossibility to give fingerprints and 8 cases in 2024).<sup>784</sup> The lack of a legal possibility to exempt a third-country national fully from the abovementioned payment, the obligation of personal presence twice – upon application and collecting the document, and the possibility to be issued a residence permit only in one place may postpone the receipt of new residence cards by third-country nationals.

Failure to renew a residence permit can be punished through a fine,<sup>785</sup> but this does not happen in practice. There have been no such cases in 2015-2023. There is no data about such cases in 2024.<sup>786</sup>

Moreover, Polish law requires presenting – as a condition to issue or renew the residence permit – recent photographs. Photos presenting face with covered hair are not allowed (hair has to be visible on the picture), which is often problematic for Muslim women.<sup>787</sup>

By law, all residence permits should have the annotation “access to the labour market”, if the third-country national is entitled to work in Poland.<sup>788</sup> In practice, permits issued for refugees as well as humanitarian and subsidiary protection beneficiaries do not have such an annotation, which can impede their access to the labour market and to some social benefits, such as the ones in the framework of the “Family 800+” programme (previously “500+” programme).<sup>789</sup> However, the Supreme Administrative Court as well as the Voivodeship Administrative Court in Warsaw held that such lack of annotation cannot be interpreted as excluding the third-country national from receiving social assistance if he is entitled to work in Poland.<sup>790</sup> Consequently, the Polish authorities changed their practice and no longer refuse the special financial support under the 800+ Programme on that basis.

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<sup>778</sup> Article 89n(2) Law on Protection.

<sup>779</sup> Article 245(2) Law of Foreigners.

<sup>780</sup> Article 245(4)-(5) Law on Foreigners.

<sup>781</sup> Article 248(1)-(2) Law on Foreigners.

<sup>782</sup> Article 246(2) Law on Foreigners.

<sup>783</sup> Article 247 Law on Foreigners.

<sup>784</sup> Information provided by the Office for Foreigners, 16 February 2024, 19 February 2025.

<sup>785</sup> Article 465(4) Law on Foreigners.

<sup>786</sup> Information provided by the Office for Foreigners, i.e. 16 February 2024, 19 February 2025.

<sup>787</sup> Ordinance of the Minister of Interior of 29 April 2014 on the documents issued for foreigners, available (in Polish) at: Obwieszczenie Ministra Spraw Wewnętrznych i Administracji z dnia 4 lutego 2022 r. w sprawie ogłoszenia jednolitego tekstu rozporządzenia Ministra Spraw Wewnętrznych w sprawie dokumentów wydawanych cudzoziemcom, available [here](#).

<sup>788</sup> Article 244(1)(11) Law on Foreigners.

<sup>789</sup> European Website on Integration, ‘Poland: social benefit ‘500 PLN per child’ not for refugees?’ 29 February 2016, available [here](#). M. Sadowska, “Świadczenia ‘Dobry start’” in Stowarzyszenie Interwencji Prawnej (SIP), *SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 r.*, 2019, available (in Polish), [here](#), 52.

<sup>790</sup> See judgments of Voivodeship Administrative Court in Warsaw No I SA/Wa 1997/16, 7 October 2016, available (in Polish) [here](#) and of the Supreme Administrative Court no. I OSK 1164/16, 14 March 2018.

In 2023, the Commissioner for Human Rights noticed that third-country nationals wait approximately 6 months to receive a new residence card.<sup>791</sup> No data was available for 2024.

## 2. Civil registration

Every child born in Poland, regardless of the nationality of their parents, must be registered in the Civil Registry Office (*Urząd Stanu Cywilnego*). The birth of a child must be reported to the Civil Registry Office territorially competent for the place of birth of the child.<sup>792</sup> The documents necessary for the preparation of a birth certificate include:

- ❖ Written statement of birth issued by a doctor, midwife or health care facility;
- ❖ Copy of the marriage certificate if the child's parents are married;
- ❖ Birth certificate of the mother, marriage certificate with an entry noting divorce, and an abridged copy of the death certificate of the spouse; if the child's mother is single, divorced or widowed, respectively.

The Civil Registry Office which prepared a birth certificate applies for a PESEL (Universal Electronic System for Registration of the Population) number for a child, which is then entered into the registry as well. The PESEL number is crucial in many areas of life including in the provision of health care, hence its registration is initiated by reporting a child's birth.

Marriage is concluded in the Civil Registry Office of the choice of the persons concerned. The documents required to enter into a marriage in Poland are:

- ❖ Valid identity document;
- ❖ Birth certificate and a marriage certificate together with the annotation of divorce, if the person concerned was married before;
- ❖ Certificate issued by the country of origin that the person concerned has the capacity to enter into a marriage under the law of their country.

If the latter document cannot be obtained, the person concerned can apply to the court to be exempt from this obligation.

Generally, foreign documents have to be legalised or authenticated by an apostille. As a general rule, all documents presented in the Civil Registry Office should be translated by a sworn interpreter and a foreigner who does not speak Polish needs to complete all the formalities (including the marriage ceremony itself) accompanied by a sworn interpreter of a language they speak fluently. Certificates are drawn up immediately.

Problems occur when documents from the country of origin have to be submitted. However, the court procedure to exempt beneficiaries of international protection from this obligation is applied rather efficiently, as the experience of HFHR showed in the recent years.

## 3. Long-term residence

### Indicators: Long-Term Residence

- |   |               |
|---|---------------|
| 1. Number of long-term residence permits issued to beneficiaries in 2024: | Not available |
|---|---------------|

The EU long-term residence permit (*zezwoleńie na pobyt rezydenta długoterminowego UE*) is issued on a third-country national's demand if he or she:<sup>793</sup>

1. Resides in Poland legally and continuously for at least five years immediately prior to the submission of the application for the EU long-term residence permit,

<sup>791</sup> Commissioner for Human Rights, 'Rzecznik: przewlekłość załatwiania spraw cudzoziemców może jeszcze bardziej się wydłużyć. Odpowiedź MSWiA', July and November 2023, available in Polish [here](#).

<sup>792</sup> Law of 28 November 2014 on civil registration certificates.

<sup>793</sup> Article 211(1) Law on Foreigners.

2. Has stable and regular resources which are sufficient to maintain him or herself and the dependent family members;
3. Has appropriate medical insurance;
4. Has confirmed knowledge of the Polish language (the documents confirming having this knowledge are required). Knowledge of the language should be confirmed by a certificate of Polish language proficiency of at least the B1 level.<sup>794</sup> In 2023, the rules concerning the language requirement were changed. More possibilities to confirm knowing the language proficiency at the B1 level were introduced and are specified in the Ordinance of the Ministry of Internal Affairs and Administration of 31 May 2023, in force since 24 June 2023.<sup>795</sup> As a result, knowledge of the Polish language on B1 level can be demonstrated, among other ways, through TELC and ELC certificates.<sup>796</sup> Alternatively, knowledge of Polish can be confirmed by a certificate of completion of a school or university in Poland or a certificate of completion of a school or university with Polish as the language of instruction abroad.<sup>797</sup> However, legislative changes in this matter are planned. According to proposed amendments, certificates of completion of post-secondary schools with Polish as the language of instruction will no longer be sufficient documentation to confirm knowledge of the Polish language.<sup>798</sup> As of 9 April 2025 the law has not been yet adopted.

Resources are considered sufficient, if for 3 years immediately before the submission of the application a third-country national had an income higher than the income threshold for obtaining social assistance in Poland.<sup>799</sup>

The entire period of a refugee's stay in Poland during the asylum procedure is taken into account in the calculation of the 5-year period if the asylum procedure lasted more than 18 months. In other cases, half of this period is considered.<sup>800</sup> If the previous asylum procedure ended with a refusal of international protection, the period of this procedure is not taken into account at all.<sup>801</sup> A procedure for an EU long-term residence permit cannot be initiated if a foreign national is a humanitarian protection beneficiary or is seeking asylum.<sup>802</sup>

Refugees and beneficiaries of subsidiary protection may also apply for a permanent residence permit (*zezwoleńie na pobyt stały*) if they continuously stayed in Poland for at least 5 years immediately before the submission of the application. The asylum procedure is taken into account in this calculation.<sup>803</sup> The same rules apply to beneficiaries of humanitarian protection but the asylum procedure is not counted to the 5 years period.

The fee for an EU long-term residence permit and a permanent residence permit is PLN 640 / approx. EUR 148.

The authority responsible for the issuance of the EU long-term residence permit and a permanent residence permit is Voivode having jurisdiction over the current place of stay of the applicant.<sup>804</sup> The Head of the Office for Foreigners is a second instance administrative body competent to handle appeals against first instance decisions.

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<sup>794</sup> Article 211(1)(3) and (3) Law on Foreigners.

<sup>795</sup> Office for Foreigners, 'Zmiany w przepisach regulujących udzielanie zezwoleń na pobyt rezydenta długoterminowego UE', 28 June 2023, available in Polish [here](#).

<sup>796</sup> The Regulation of the Minister of the Interior and Administration of May 31, 2023, on the list of certificates of Polish language proficiency confirming the required knowledge of the language for granting a long-term EU resident permit.

<sup>797</sup> Article 211(3) (2) and (3) Law of Foreigners.

<sup>798</sup> Article Article 6(16) of the Draft Law on Amending Certain Laws in Order to Eliminate Irregularities in the Visa System of the Republic of Poland, available in Polish [here](#).

<sup>799</sup> Article 211(2) Law on Foreigners.

<sup>800</sup> Article 212(1) (2) and (3c) Law on Foreigners.

<sup>801</sup> Article 212(2)(8) Law on Foreigners.

<sup>802</sup> Article 213(1)(e)-(f) Law on Foreigners.

<sup>803</sup> Article 195(1)(6) and Article 195(3) Law on Foreigners.

<sup>804</sup> Articles 201 and 218(1) Law on Foreigners.

Since 29 January 2022, the procedure should last 6 months (instead of 3) at the first instance and additionally, a maximum of 3 months (instead of 2) if an appeal was lodged.<sup>805</sup> In 2024, the proceedings regarding the EU long-term residence permit lasted, on average, 300 days, and the proceedings concerning the permanent residence permit 234 days.<sup>806</sup> Thus, these proceedings often take many months, if not years. The backlog of cases before the Voivodes is still rising, leading to significant delays in decision-making. Thus, administrative courts have to deal with rising number of complaints on the excessive proceedings. One court – in Łódź – intervened in this regard before the respective Voivode, indicating on the constant violation of rights of third-country nationals.<sup>807</sup> In 2023, the Supreme Audit Office confirmed the deepening inefficiency of the Voivodship Offices.<sup>808</sup>

Moreover, in reaction to the war in Ukraine and the large numbers of people seeking temporary protection in Poland, all the time limits in the cases already considered by Voivodes were suspended. In new cases, the time limits did not start to run.<sup>809</sup> Questions arose whether the suspension applies to all foreigners or only Ukrainian citizens, but in 2024, the Supreme Court confirmed that these regulations apply to all foreigners, regardless of their nationality.<sup>810</sup> In 2024, this suspension was prolonged until 30 September 2025.<sup>811</sup> This affected the third-country nationals' right to complain regarding the excessive length of their proceedings.<sup>812</sup>

The Commissioner for Human Rights, for several years, has observed the issue of delays in administrative proceedings by the Voivodes in matters of foreign nationals' residence legalisation, including EU long-term residence permits and permanent residence permits.<sup>813</sup> In response to these delays, changes to the law are planned. One of the proposed solutions is to change the method of submitting applications for temporary residence permits, permanent residence permits, and long-term EU resident permits. Applications could be submitted exclusively in electronic form through a dedicated portal. As of April 9, 2025, the law has not yet been adopted.<sup>814</sup> According to the Commissioner for Human Rights, the changes may not lead to improvements due to staff shortages and the simultaneous increase in case workloads. They may also lead to digital exclusion for some third-country nationals who are unable to submit their applications electronically.<sup>815</sup>

Since 2017, no data was made available on the number of beneficiaries of international protection granted EU long-term resident status. In 2024, 489 beneficiaries of international protection were granted permanent residence permit.<sup>816</sup>

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<sup>805</sup> Articles 210 and 223 Law on Foreigners.

<sup>806</sup> Information provided by the Office for Foreigners, 19 February 2025. In some voivodships, the waiting period may be as long as 12-15 months, see e.g. Fundacja EMIC, 'Czekając na zwykłe życie - legalizacja pobytu migranta/migrantki w Polsce', available in Polish [here](#) 11 August 2023.

<sup>807</sup> Commissioner for Human Rights, 'Rzecznik: przewlekłość załatwiania spraw cudzoziemców może jeszcze bardziej się wydłużyć. Odpowiedź MSWiA', July and November 2023, available in Polish [here](#).

<sup>808</sup> Supreme Audit Office, 'Obsługa obywateli polskich i cudzoziemców w jednostkach administracji publicznej', 28 November 2023, available in Polish [here](#).

<sup>809</sup> Article 100c of the Law on assistance to Ukrainian nationals.

<sup>810</sup> See judgements of the Supreme Administrative Court no. II OSK 644/24, 25 July 2024, no. II OSK 1720/24, 05 December 2024.

<sup>811</sup> Article 100d of the Law on assistance to Ukrainian nationals, added by the amendment of 13 January 2023 and changed by the Law amending the Special Law of 15 May 2024, in force since 1 July 2024.

<sup>812</sup> Commissioner for Human Rights, 'Rzecznik: przewlekłość załatwiania spraw cudzoziemców może jeszcze bardziej się wydłużyć. Odpowiedź MSWiA', July and November 2023, available in Polish [here](#).

<sup>813</sup> Commissioner for Human Rights, 'Opóźnienia i błędy w sprawach legalizacji pobytu cudzoziemców. Odpowiedź MSWiA', October and November 2024, available in Polish [here](#).

<sup>814</sup> Draft law of 04 December, available in Polish [here](#).

<sup>815</sup> Commissioner for Human Rights, 'Składanie przez cudzoziemców wniosków pobytowych wyłącznie przez Internet. Opinia Rzecznika', 9 January 2025, available in Polish [here](#).

<sup>816</sup> Information provided by the Office for Foreigners, 19 February 2025.



#### 4. Naturalisation

##### Indicators: Naturalisation

1. What is the waiting period for obtaining citizenship?	
❖ Refugee status	7 years
❖ Subsidiary protection	7-10 years
2. Number of citizenship grants to beneficiaries in 2024:	Not available

Polish citizenship can be obtained through two procedures. Firstly, citizenship can be granted by the Polish President.<sup>817</sup> Any third-country national can apply to President to be granted Polish citizenship; there are no specific conditions and criteria for obtaining citizenship in this procedure. A third-country national only has to submit a form with information about him or herself and a justification, of why he/she applies for Polish citizenship, to a Consul or a Voivode, who hands on the application to the President.<sup>818</sup> Knowledge of the Polish language is not required. The citizenship is granted free of charge. The President's refusal is a final decision and cannot be appealed.

Secondly, a third-country national can be declared as a Polish citizen if they fulfil the criteria specified in law.<sup>819</sup> Both refugees and subsidiary protection beneficiaries have to obtain first a permanent residence permit (*zezwolenie na pobyt stały*) or EU long-term residence permit in Poland.

A refugee who has been granted a permanent residence permit and stays continuously on this basis in Poland for 2 more years can be declared as a Polish citizen.<sup>820</sup> There is no similar rule concerning subsidiary protection beneficiaries. To be declared as Polish citizens, they have to fulfil the same criteria as any other third-country national who obtained a permanent residence permit or EU long-term residence permit in Poland (i.e. 2-3 years stay in Poland on this basis or 10 years of legal stay in Poland independently of the basis of the stay, stable and regular resources, legal entitlement to stay in a residential property or marriage with a Polish citizen).<sup>821</sup>

Both, refugees and subsidiary protection beneficiaries, to be declared as a Polish citizen, have to prove that they know Polish language.<sup>822</sup> Third-country nationals should present a document confirming that they have graduated from a Polish school or that they have passed the State exam for the Polish language as a foreign language (B1 at least). Those examinations are rarely organised (4 times per year in 2021-2024) and they are costly.<sup>823</sup> To take an exam, third-country nationals often have to travel to another city, bearing the costs not only of the exam itself but also of transportation and hotel,<sup>824</sup> which may constitute an obstacle to naturalisation. In the years 2019-2022, the organisation of these State exams was controlled by the Supreme Audit Office. It concluded that the responsible authorities did not collect the necessary data to assess how efficient the current system to determine sufficient knowledge of the Polish language is. It noticed that the available places for exams run out after 10-15 minutes from the beginning of the registration, so the system seems to be inadequate to meet existing needs. Furthermore, trainings for examiners were incorrectly organised. In the years 2019-2021, 19,477 certificates were issued upon passing the exam. Moreover, 738 certificates were issued without a person taking the exam.<sup>825</sup>

Additional barriers to obtaining Polish citizenship through a declaration include difficulties in obtaining written proof of entitlement to reside in a particular property (as property owners may prefer verbal

<sup>817</sup> Article 18 Law of 2 April 2009 on Polish citizenship.

<sup>818</sup> Article 19-21 Law on Polish citizenship.

<sup>819</sup> Article 30 Law on Polish citizenship.

<sup>820</sup> Article 30(1)(3) Law on Polish citizenship.

<sup>821</sup> Article 30(1)(1), (2) and (6) Law on Polish citizenship.

<sup>822</sup> Article 30(2) Law on Polish citizenship.

<sup>823</sup> Information from the official exams' website, available (in Polish) [here](#).

<sup>824</sup> P. Kaźmierkiewicz, 'Obywatelstwo' in A. Górská, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 25.

<sup>825</sup> Supreme Audit Office, 'Wystąpienie pokontrolne. Egzamininy poświadczające znajomość języka polskiego - I-21-003-KNO', no. KNO.411.003.01.2021, 21 January 2022, available in Polish [here](#). Similar information for the years 2022 and 2023 is not available.

agreements rather than signing a rental agreement), as well as obtaining civil registration documents from the individual's country of origin.<sup>826</sup> The Human Rights Commissioner also informed of a case in which the refusal to recognise a person (it is unknown whether the third country national was a BIP or not) as a citizen was issued on the basis of general information from the Internal Security Agency about a threat to the defence or security of the state or to the protection of public safety and order. The materials in the case were classified, therefore the foreigner could not get acquainted with them. The decision to deny the declaration as a Polish citizen was overturned by the administrative court.<sup>827</sup>

The beneficiary of international protection submits the application for a declaration as a Polish citizen to Voivode who has jurisdiction over their current place of stay.<sup>828</sup> The fee for obtaining citizenship is 219 PLN/approx. 50.81 EUR. The Voivode decision can be appealed to the Minister of Interior.<sup>829</sup> The procedure should last one month or two if it is a complicated case.

## 5. Cessation and review of protection status

### Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Poland has a single procedure ("deprivation") for the cessation and/or withdrawal of international protection.

Refugee status is ceased if a third-country national:<sup>830</sup>

- a. Has voluntarily settled in the country, which he or she had left for fear of persecution;
- b. Has voluntarily accepted protection of a country he or she is a citizen of;
- c. Has voluntarily accepted the citizenship of the country of origin, which he or she had lost before;
- d. Has acquired new citizenship and he or she is under the protection of the state whose citizen he or she has become;
- e. Can no longer refuse to accept the protection of the country of origin, because the reasons why he or she was granted a refugee status no longer exist, and he or she did not present convincing arguments as to why he or she cannot accept this protection. The same applies to countries of habitual residence for stateless persons.

Subsidiary protection is ceased, if the circumstances which were the reason for granting subsidiary protection no longer exist or have changed in such a way that a third-country national no longer requires protection.<sup>831</sup>

The deprivation procedure is initiated by the Head of the Office for Foreigners *ex officio* or on other authorities' demand.<sup>832</sup> Asylum applicants should be informed about the initiation of the respective proceedings as soon as they started. The procedure should last no longer than 6 months.<sup>833</sup> During the

<sup>826</sup> P. Kaźmierkiewicz, 'Obywatelstwo' in A. Górka, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 23-24.

<sup>827</sup> Commissioner for Human Rights, 'Odmowa uznania za obywatelkę RP wyłącznie na podstawie tajnych akt ABW. NSA utrzymał wyrok WSA, o co wnosili RPO', 02 January 2025, available in polish [here](#).

<sup>828</sup> Article 36(1) Law on Polish Citizenship.

<sup>829</sup> Article 10(4) Law on Polish Citizenship.

<sup>830</sup> Article 21(1) Law on Protection.

<sup>831</sup> Article 22(1) Law on Protection.

<sup>832</sup> Article 54b Law on Protection.

<sup>833</sup> Article 54a Law on Protection.

procedure, a refugee or a subsidiary protection beneficiary should be interviewed, particularly to present reasons as to why they should not be deprived of the protection. A third-country national can also present arguments in writing.<sup>834</sup>

A decision on deprivation of international protection is issued by the Head of the Office for Foreigners and can be appealed to the Refugee Board with suspensive effect. A third country national should leave Poland within 30 days from the day of the delivery of the Refugee Board's decision on deprivation of international protection. In the same period, he or she can make the complaint to the Voivodeship Administrative Court in Warsaw. This onward appeal does not entail an automatic suspensive effect but a third-country national can request the court to suspend the final decision on deprivation of international protection. However, it takes sometimes even a couple of months to suspend the decision by the court on the third-country national's demand. During that period a third-country national stays irregularly in Poland, so return proceedings may be initiated against him/her and removal may be enforced.

Only some refugees and subsidiary protection beneficiaries are entitled to free legal assistance in cessation proceedings, namely those whose income is so low that it would qualify them for social welfare.<sup>835</sup> Free legal assistance is only provided in the appeal proceedings; it does not include the first-instance procedure.<sup>836</sup> Before the court, the third-country national can apply for free legal assistance by lawyer following the general rules (see [Legal Assistance](#)).

A third-country national who was deprived of international protection is obliged to return the residence card immediately to the Head of the Office for Foreigners, no later than 14 days from the moment when a decision concerning deprivation of international protection becomes final.<sup>837</sup>

There is a single procedure in Poland that includes the cessation and withdrawal of international protection. In consequence, the beneficiary may receive a decision on deprivation of international protection, as it is called in Poland, which can be issued on the grounds justifying only a cessation or only a withdrawal or both. The Office for Foreigners shares the data on a general number of 'deprivations' and how often the exact legal basis was used in the respective decisions. From 2018 to 2024, the total number of persons deprived of international protection as a result of a cessation or withdrawal procedure was as follows:

Number of persons deprived of international protection (ceased and/or withdrawn)							
	2018	2019	2020	2021	2022	2023	2024
Deprivation of refugee status	11	6	12	4	9	8	15
Deprivation of subsidiary protection	157	100	95	32	33	67	56

Source: Office for Foreigners.

The above figures do not distinguish between cessation and withdrawal procedures as both fall under the category "deprivation of international protection" in the statistics shared by the OFF. Nevertheless, based on an analysis of the grounds used to deprive international protection, cessation and withdrawal procedures seem to have been applied in recent years as follows: in 2023, refugee status was ceased or withdrawn for 8 persons (2 Russian citizens, 2 Egyptian citizens, 2 Syrian citizens and 2 Uzbek citizens), 67 beneficiaries had their subsidiary protection status ceased or withdrawn (including 63 Russian citizens, 2 Belarusian citizens, 1 Iraqi citizen and 1 Pakistani citizen).<sup>838</sup> In 2024, there were 15 cases in which refugee status was ceased or/and withdrawn (11 Russian citizens, 1 Belarusian citizen, 1 Afghan citizen,

<sup>834</sup> Article 54d(1) Law on Protection.

<sup>835</sup> Article 69d(2) Law on Protection.

<sup>836</sup> Article 69d Law on Protection.

<sup>837</sup> Article 89l(1) and (3) Law on Protection.

<sup>838</sup> Information provided by the Office for Foreigners, 16 February 2024.

1 Egyptian citizen, 1 Ukrainian citizen). In 2024, 56 persons had their subsidiary protection status ceased or/and withdrawn (including 39 Russian citizens, 10 Ukrainian citizens, 4 Belarusian citizens, 2 Kazakh citizens, 1 Turkish citizen).<sup>839</sup> Statistical data for 2023 and 2024 provided by the Office for Foreigners did not allow to differentiate between cases in which the protection status had been ceased, or was withdrawn.

As regards the grounds for depriving international protection, the following cessation grounds were applied in 2024:

Grounds for cessation of international protection in 2024	
Cessation of refugee status	
The beneficiary voluntarily accepted the protection of a country he or she is a citizen of	13
The beneficiary can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality	1
The beneficiary acquired new citizenship and he or she is under the protection of the state whose citizen he or she has become	1
Cessation of subsidiary protection	
The circumstances which were the reason for granting subsidiary protection no longer exist or have changed in such a way that a third-country national no longer requires protection	51

Source: Office for Foreigners.

The above-mentioned figures reveal that nationals of the **Russian Federation** are the beneficiaries of protection most frequently deprived of their status in Poland. In 2024, 119 Russian citizens were granted refugee status in Poland, and 75 received subsidiary protection. Based on the available data, it is not possible to identify the grounds for depriving Russian citizens of international protection in 2024.<sup>840</sup>

HFHR concludes that Russian citizens have mostly been deprived of protection as a result of travel to their country of origin after they obtained international protection.<sup>841</sup> The finding is confirmed by the SIP. According to the organisation, returning to the country of origin – even only to obtain needed documents or to take care of ill family members – is a reason to deprive refugees and beneficiaries of subsidiary protection of their status. The same effect may be entailed by obtaining a passport in the embassy of the country of origin. SIP also points out that beneficiaries of international protection are deprived of protection due to a changed situation in Chechnya. However, in its opinion, both the individual and general circumstances of those cases are not scrutinized sufficiently by Polish authorities.<sup>842</sup>

In 2022, the Supreme Administrative Court delivered a judgment concerning the cessation of subsidiary protection of a Russian national. The reasons for cessation were twofold: the beneficiary obtained a Russian passport, travelled to Russia 5 times, and the situation in Chechnya significantly changed since his arrival in Poland in 2005. The cassation appeal submitted by the Russian national was dismissed by the Supreme Administrative Court. In particular, the court found that the statements of the complainant that he obtained a passport through an intermediary were not credible, as the passport was biometric; thus, it required personal contact with Russian authorities to provide fingerprints. Moreover, the

<sup>839</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>840</sup> Information provided by the Office for Foreigners, 19 February 2025.

<sup>841</sup> This reasoning was confirmed by the Supreme Administrative Court in Decision No II OSK 1493/14, 23 February 2016: Lex.pl, 'NSA: uchodźcy z Czeczenii muszą wrócić do kraju', 26 February 2016, available (in Polish) [here](#).

<sup>842</sup> M. Sadowska, 'Pozbawienie cudzoziemca ochrony międzynarodowej w Polsce' in SIP, *Prawa cudzoziemców w Polsce w 2019 roku. Raport*, 2020, available (in Polish) [here](#) 24-25; A. Pulchny, 'Pozbawienie cudzoziemca ochrony międzynarodowej w Polsce' in Stowarzyszenie Interwencji Prawnej (SIP), *SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 r.* (2019), available (in Polish) [here](#), 24-25.

complainant did not manage to convince the court that he would be individually at risk of harm upon return to Chechnya.<sup>843</sup> In a similar case, concerning a Russian family of five, having subsidiary protection since 2008, the Supreme Administrative Court accepted that they should be deprived of protection because they obtained a passport from Russian authorities. The court did not find it problematic that the decision of the Head of the Office for Foreigners was issued in 2019 and was based solely on the travels from Poland in the Eastern direction in 2011-2012, while the Russian passport was issued in 2012. The beneficiaries' explanations that they stayed in Belarus and obtained a passport through an intermediary were not found credible.<sup>844</sup>

In 2018-2021 some Russian citizens were also deprived of subsidiary protection because they were considered a security threat or there were serious grounds to believe that they committed a crime (see [Withdrawal of protection status](#)).<sup>845</sup> Data shared by the Office for Foreigners does not allow to determine how many Russian citizens were deprived international protection for these reasons in 2022-2024.

In 2023, a case concerning a Russian national deprived of subsidiary protection was communicated by the ECtHR (no. 9323/19, N.M. v. Poland). The return decision was issued based on the fact that the military conflict in Chechnya finished and the applicant was considered a security threat. For the latter reason, the appeal against the return decision did not entail a suspensive effect. Relying on Article 13 of the ECHR, in conjunction with Article 3 of the ECHR, the applicant complained about the lack of an effective remedy with a suspensive effect to appeal against the decision ordering his return to Russia.

In 2024, the Refugee Board rejected the appeals of 15 persons deprived of subsidiary protection (mostly Russian nationals – 13). 7 complaints to the court were submitted.<sup>846</sup> Only in one case, the court revoked the second-instance decision, in the remaining cases decided in 2024 it dismissed the beneficiaries' complaints.<sup>847</sup>

## 6. Withdrawal of protection status

### Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Refugee status is withdrawn ("revoked") where the person:<sup>848</sup>

- a. Has withheld information or documents, or presented false information or documents of significance for the asylum proceedings;
- b. Has committed a crime against peace, a war crime or a crime against humanity, as understood by international law;
- c. Is guilty of acts contrary to the aims and principles of the United Nations, as specified in Preamble and Articles 1 and 2 of the UN Charter,
- d. Poses a threat to the security of the state in which resides,
- e. Has been convicted by a final judgment for a particularly serious crime, other than the crime against peace, a war crime or a crime against humanity, and poses a threat to the society of the state in which resides.

<sup>843</sup> Supreme Administrative Court, Judgment of 5 July 2022, no. II OSK 1868/21, available [here](#) in Polish.

<sup>844</sup> Supreme Administrative Court, Judgment of 11 January 2022, no. II OSK 1754/21, available [here](#) in Polish. Supreme Administrative Court, Judgment of 11 January 2022, no. II OSK 1177/21, available [here](#) in Polish.

<sup>845</sup> Information provided by the Office for Foreigners, 15 January 2019, 22 January 2020 and 26 January 2021.

<sup>846</sup> Information from the Refugee Board, 6 April 2025.

<sup>847</sup> Information provided by the Voivodeship Administrative Court in Warsaw, 6 February 2025.

<sup>848</sup> Article 21(1) Law on Protection.

The last two premises are in force since 27 March 2025.<sup>849</sup> The amendments were introduced with reference to the judgment of the CJEU in the cases of *M v. Ministerstvo vnitra and X and X v. Commissaire général aux réfugiés et aux apatrides*.<sup>850</sup> However, there are doubts as to whether the amendments fully reflect the judgment, as they fail to acknowledge that the mere withdrawal of refugee status does not change the fact that such individuals remain refugees within the meaning of the Geneva Convention as they continue to meet the material conditions set out therein. For this reason, they must be guaranteed the rights referred to in Article 14(6) Directive 2011/95/EC of the directive and in the Geneva Convention.<sup>851</sup>

Subsidiary protection is withdrawn where.<sup>852</sup>

- a. It has been revealed that a third-country national has withheld information or documents or presented false information or documents of significance for the asylum proceedings;
- b. There are serious grounds to believe that a third-country national has committed a crime against peace, a war crime or a crime against humanity, as understood by international law;
- c. There are serious grounds to believe that a third-country national is guilty of acts contrary to the aims and principles of the United Nations, as specified in the Preamble and articles 1 and 2 of the UN Charter;
- d. There are serious grounds to believe that a third-country national has committed a crime in Poland or an act outside Poland which is a crime according to Polish law;
- e. There are serious reasons to believe that a third-country national poses a threat to state security or to the safety of society.

Subsidiary protection may also be revoked if, after an applicant has been granted subsidiary protection, it has been revealed that the beneficiary had committed a crime under Polish law punishable by any prison sentence – regardless of its duration - and had left his or her home country for the sole purpose of avoiding punishment.<sup>853</sup>

There is a single procedure in Poland that includes the cessation and withdrawal of international protection. In consequence, the beneficiary may receive a decision on deprivation of international protection, as it is called in Poland, which can be issued on the grounds justifying only a cessation or only a withdrawal or both. The Office for Foreigners shares the data on a general number of ‘deprivations’ and how often the exact legal basis was used in the respective decisions.

In general, international protection is rather ceased than withdrawn. In 2023, 8 persons had their refugee status ceased or withdrawn (2 Russian citizens, 2 Egyptian citizens, 2 Syrian citizens and 2 Uzbek citizens). 67 beneficiaries had their subsidiary protection status ceased or withdrawn (including 63 Russian citizens, 2 Belarusian citizens, 1 Iraqi citizen and 1 Pakistani citizen).<sup>854</sup> In 2024, there were 15 cases in which refugee status was ceased or/and withdrawn (11 Russian citizens, 1 Belarusian citizen, 1 Afghan citizen, 1 Egyptian citizen, 1 Ukrainian citizen). In 2024, 56 persons had their subsidiary protection status ceased or/and withdrawn (including 39 Russian citizens, 10 Ukrainian citizens, 4 Belarusian citizens, 2 Kazakh citizens, 1 Turkish citizen).<sup>855</sup> Statistics for 2023 and 2024 provided by the Office for Foreigners did not allow to differentiate between cases in which the protection status had been ceased, or was withdrawn.

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<sup>849</sup> Article 1(2) of Act of February 21, 2025 on Amendments to Law on Protection.

<sup>850</sup> CJEU (Grand Chamber), cases C-391/16, C-77/17 i C-78/17, judgement of 14 May 2019.

<sup>851</sup> SIP, ‘Statement of the Association for Legal Intervention regarding the draft Act amending the Act on Granting Protection to Foreigners on the Territory of the Republic of Poland (UD173)’, December 2024 available in Polish [here](#).

<sup>852</sup> Article 22(1) Law on Protection.

<sup>853</sup> Article 22(4) Law on Protection.

<sup>854</sup> Information provided by the Office for Foreigners, 16 February 2024.

<sup>855</sup> Information provided by the Office for Foreigners, 19 February 2025.



Grounds for withdrawal of international protection in 2024	
Withdrawal of refugee status	
The beneficiary is guilty of acts contrary to the aims and principles of the United Nations, as specified in Preamble and Articles 1 and 2 of the UN Charter	1
The beneficiary has withheld information or documents, or presented false information or documents of significance for the asylum proceedings	2
Withdrawal of subsidiary protection	16

Source: Office for Foreigners. Based on the data available, it was not possible to determine which grounds were applied to the withdrawals of subsidiary protection.

The “deprivation” procedure in case of withdrawal is the same as in case of cessation and it is described in the section on [Cessation](#).

## B. Family reunification

### 1. Criteria and conditions

#### Indicators: Family Reunification

- Is there a waiting period before a beneficiary can apply for family reunification?
 

☐ Yes ☒ No

  - ❖ If yes, what is the waiting period? n/a
- Does the law set a maximum time limit for submitting a family reunification application?
 

☐ Yes ☒ No

  - ❖ If yes, what is the time limit?
- Does the law set a minimum income requirement?
 

☒ Yes ☐ No

The procedure of family reunification is governed by Article 159 of the Law on Foreigners. Family members who are eligible to reunite with the beneficiary are:

- ❖ spouse (marriage has to be recognised under the Polish law, but does not have to be concluded before the beneficiary's entry to Poland);
- ❖ minor child (biological or adopted) of the family member dependent on them and under their parental authority
- ❖ minor child (biological or adopted) of the beneficiary and his or her spouse dependent on them and under their parental authority, who were minors on the date of the application for a temporary residence permit for the purpose of family reunification.

In the case of a minor beneficiary of international protection, family members who can reunite with them are not only parents but also grandparents or other responsible adults under Polish law (e.g. legal guardians). A beneficiary can also apply for a residence permit for a family member, who already stayed in Poland without a permit when the beneficiary had applied for protection. In such a case they have to prove that family has already existed in the country of origin.

There is no waiting period for family reunification in Poland, nor is there a time limit. Both people that obtained refugee status or subsidiary protection are eligible for a simplified family reunification procedure, but it still remains a complicated and expensive procedure. If they submit a relevant application to the relevant Voivode within 6 months from the date of obtaining protection within the territory of Poland, they are not obliged to comply with the conditions of having health insurance, a stable source of income or accommodation in Poland. It must, nonetheless, be remembered that when the residence permit is granted, the beneficiary's family residing outside Poland is obliged to obtain a visa from a Polish consulate. The requirements under which a visa is obtained, in turn, include having adequate financial means and health insurance.<sup>856</sup>

<sup>856</sup> HFHR, *Family Reunification of Foreigners in Poland, Law and Practice*, June 2016, available [here](#), 19-20.

There are no differences between refugees and beneficiaries of subsidiary protection as to the family reunification conditions. The beneficiary is not required to know Polish, is not subject to DNA tests, but has to present original documents certifying the family ties, translated into Polish by a sworn translator.

Data on family reunification of beneficiaries of international protection are generally not disaggregated by the authorities.<sup>857</sup> However, for 2024 the Office for Foreigners shared that 716 beneficiaries applied for family reunification and 165 permits were issued for family members.<sup>858</sup>

Family reunification of persons granted international protection was one of the seven main requests presented by SIP to the government in December 2023.<sup>859</sup> The main challenges identified by this NGO (and still valid as of 2024) are:

- ❖ conditions of health insurance, stable income and place of residence applicable towards BIPs after 6 months deadline;
- ❖ narrow definition of family member. In the view of the authors persons that should be included are: partners without formal marriage (partners staying in religious marriage or civil partners), parents of BIPs and their adult children.

The obstacle observed in previous years related to the fact that the procedure was lengthy, complicated and costly (submitting and translating official documents, journey to Poland, to Polish consulate, paying several visits to the consulate, getting a visa).<sup>860</sup> The CJEU judgement from 9 March 2023 in the case C-1/23 PPU Afrin is not expected to have significant impact on the family reunification procedure in Poland, because the application for family reunification is submitted by BIP in the territory of Poland, not by their family members staying outside.

## 2. Status and rights of family members

Family members may be granted a temporary residence permit, if they are not in Poland or if they do not apply for asylum after the arrival. The temporary residence permit to facilitate family reunification of beneficiaries of international protection is granted for up to 3 years. It happens that a temporary stay is issued for only one year. The foreigner is then issued a residence card upon arrival to Poland with an expiry date conforming to the expiry date of the permit that was granted. The card contains the foreigner's personal data, residence address, annotation confirming the right to be employed in Poland, and the expiry date.

Individuals who have been granted a residence permit under the family reunification procedure may take employment in Poland without the need to apply separately for a work permit, and children under 18 years of age are entitled to free education in Polish schools. Family members of international protection beneficiaries are also entitled to social benefits. They also are entitled to be covered by the Individual Integration Programme (see [Individual Integration Programme \(IPI\)](#)) provided that a relevant application is submitted with one of the Poviats Family Support Centres (*powiatowe centra pomocy rodzinie*). The application must be submitted within 60 days from the date when the temporary residence permit is granted.

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<sup>857</sup> A. Kulesa, 'Łączenie rodzin' in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 9.

<sup>858</sup> Information from the Office for Foreigners, 19 February 2025.

<sup>859</sup> SIP, 7 zmian, które należy wprowadzić w prawie migracyjnym – piszemy do nowego rządu, 21 December 2023, available [here](#).

<sup>860</sup> HFHR, *Family Reunification of Foreigners in Poland, Law and Practice*, June 2016, available [here](#), 21.

## C. Movement and mobility

### 1. Freedom of movement

Refugees and subsidiary protection beneficiaries enjoy full freedom of movement in Poland. They can freely choose a place where they want to live, authorities do not require them to live in some particular areas of the country.

There are no specific facilities for refugees and subsidiary protection beneficiaries in Poland. They are entitled to stay in reception centres up until 2 months after the decision on the asylum application becomes final. Afterwards, they have to organise all living conditions themselves.

Beneficiaries are obliged to reside in a place (within the specified voivodeship) agreed with the authorities during the 12 months of the Individual Integration Programme (IPI) (see [Social welfare](#)).<sup>861</sup> In general, a change of a place of residence is equated with the termination of the programme. However, a change of residence is allowed in particularly justified cases, e.g. in case of:

- 1) finding a job in another region with a possibility of accommodation;
- 2) obtaining accommodation in another region;
- 3) family reunification, when the possibility to live together exists;
- 4) medical reasons justifying a move.

In those cases, the beneficiary has to inform authorities about the move and its reasoning. Then, the programme can continue in a new place of living.

Refugees and subsidiary protection beneficiaries are not assigned to a specific residence for reasons of public interest or public order.

### 2. Travel documents

Refugees obtain travel documents mentioned in the Refugee Convention, which are valid for 2 years from the day of issuance.<sup>862</sup> Subsequent travel documents are issued upon request.<sup>863</sup> The document is issued free of charge, whether a first travel document or a subsequent one. The authority responsible for the issuance of refugee travel documents is the Head of the Office for Foreigners.<sup>864</sup> The procedure concerning refugee travel documents should last one month or two if it is a complicated case.

A refugee travel document has to be received in person. A travel document for a child under the age of 13 should be received in person by his or her legal representative.<sup>865</sup> In case of *force majeure* preventing a third-country national to receive a document in person, the refugee travel document can be received by a proxy.<sup>866</sup> Third-country nationals are obliged to give their fingerprints any time they apply for a refugee travel document.<sup>867</sup> The obligation to give fingerprints and mandatory personal presence to receive the travel document means that most of the time refugees willing to obtain a new travel document have to travel to Warsaw twice, even if they live far away. It is time-consuming and costly.

Beneficiaries of subsidiary protection can apply for a Polish travel document for third-country nationals. The application for the document should be submitted to a Voivode having jurisdiction over the current place of stay of a third-country national and requires a fee of PLN 350 / EUR 81 (the amount has been significantly raised since 29 July 2022 from PLN 100). If a person concerned lost their Polish travel

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<sup>861</sup> Article 94 of Law of 12 March 2004 on social assistance.

<sup>862</sup> Article 89i(1) and (3) Law on Protection.

<sup>863</sup> Article 89m Law on Protection.

<sup>864</sup> Article 89n(1) Law on Protection.

<sup>865</sup> Article 89ib(1) and (2) Law on Protection.

<sup>866</sup> Article 89ib(4) Law on Protection.

<sup>867</sup> Articles 89i(4) and 89m Law on Protection.

document or destroys it (and it is a culpable loss or destruction), they must pay PLN 700 (EUR 162.4) for a new one. If it happens again, they must pay PLN 1,050 (EUR 243.6).<sup>868</sup>

A Polish travel document will be issued only if a beneficiary of subsidiary protection: has lost his or her passport or the passport has been damaged or its validity has expired, *and* he or she is unable to obtain a new passport from the authorities of the country of origin.<sup>869</sup> The inability to obtain a new passport from the authorities of the country of origin is often understood by the Polish authorities as a requirement for beneficiaries to present written evidence that they have contacted the embassy of their country of origin and that this authority has refused to issue a passport for them. Often foreign authorities are unwilling to issue a document confirming those facts. Moreover, some beneficiaries of subsidiary protection are afraid to contact the authorities of their country of origin, because they sought protection in Poland due to the persecution or harm they experienced from their national authorities. The expression of this fear is often not enough to convince the authorities that the person concerned cannot obtain a travel document from the country of origin. In a 2021 judgment, the Supreme Administrative Court stated:

“It should be pointed out that a failure to take any actions aimed at obtaining a travel document is justified in a situation where their taking may have a negative impact on the legal or factual situation of the third-country national. Such a situation may arise when the applicant is a beneficiary of one of the forms of international protection (see the judgment of the Supreme Administrative Court of December 13, 2018, file reference number II OSK 309/18, CBOIS). The mere fact of granting international protection does not create a presumption that it is impossible for a third-country national to obtain a new travel document from the authorities of the country of origin and that the authority should not demand the presentation of documents and certificates confirming this impossibility. This circumstance should be subject to individual assessment. The authority should analyse the reasons for granting international protection to the party and assess whether the third-country national's possible contact with the authorities of the country of origin may have a negative impact on his situation.”<sup>870</sup>

The procedure for obtaining the Polish travel document should last one month or two if it is a complicated case. In practice, however, it may last longer.<sup>871</sup>

Refusal to issue a Polish travel document can be appealed to the Head of the Office for Foreigners.

The Polish travel document for a third-country national entitles to multiple border crossings and is valid for 1 year.<sup>872</sup> After that period, a beneficiary of subsidiary protection needs to apply for another such document. Even in case of an application for a subsequent Polish travel document, after the previous one expires, beneficiaries of subsidiary protection are expected to again take measures to obtain the passport from their country of origin.<sup>873</sup>

	Number of Refugee Convention travel documents (issued to recognised refugees)	Number of Polish travel documents (issued to beneficiaries of subsidiary protection)
2017	658	102
2018	555	Not available

<sup>868</sup> Office for Foreigners, ‘Nowe stawki opłat za dokumenty wydawane cudzoziemcom’, 29 July 2022, available in Polish [here](#).

<sup>869</sup> Article 252(3) Law on Foreigners. See also CPPHN, ‘Polski dokument podróży dla cudzoziemca’, 2023, available in Polish [here](#).

<sup>870</sup> See e.g. Supreme Administrative Court, Judgment of 19 October 2021, no. II OSK 1420/21, available in Polish [here](#) concerning an individual having a humanitarian stay in Poland married to the subsidiary protection beneficiary (author's translation).

<sup>871</sup> See e.g. Voivodship Administrative Court in Wrocław, judgment of 25 January 2024, no. II SAB/Wr 408/23, available in Polish [here](#), finding that the length of the proceedings concerning a Polish travel document for foreigners were excessive.

<sup>872</sup> Article 253 Law on Foreigners.

<sup>873</sup> Article 254 Law on Foreigners.

2019	681	38
2020	538	129
2021	950	238
2022	1,308	304
2023	1,311	321
2024	1,691	1,594

Source: Authors of this report based on an analysis of the statistics shared by the Office for Foreigners

## D. Housing

### Indicators: Housing

- |  |          |
|--|----------|
| 1. For how long are beneficiaries entitled to stay in reception centres?       | 2 months |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2024 | 1,548    |

The Constitution of the Republic of Poland stipulates in Article 52(1) that: “Everyone shall be guaranteed freedom of movement in the territory of the Republic of Poland and the choice of place of residence and stay”.<sup>874</sup> This means that the beneficiaries of international protection decide independently where they will live. However, during the integration programme, lasting 12 months, the beneficiaries’ mobility is subject to restrictions – change of place of residence is allowed only in particularly justified cases (see the section on [Individual Integration Programme \(IPI\)](#)). Polish law does not offer separate legislation regarding housing for foreigners, including beneficiaries of international protection. Beneficiaries of international protection are generally subject to the same general conditions that apply to Polish citizens. Foreigners’ rights on access to housing are limited in terms of property rights. They can purchase flats, but if they purchase land or a house, they must obtain permission from the Ministry of the Interior and Administration.<sup>875</sup>

Beneficiaries of international protection are allowed to stay in the centres for 2 months after being granted a positive decision.<sup>876</sup> Then when beneficiaries enter the Individual Integration Programme they are offered housing assistance (rather in the form of advice). There is a general lack of social housing for Polish nationals as well, so the situation of beneficiaries is difficult in this regard.<sup>877</sup> General conditions to obtain housing under the law are hard to fulfil for beneficiaries because of their relatively short stay in Poland and mobility.<sup>878</sup>

Warsaw is home to the largest number of beneficiaries of international protection living in Poland. Besides the possibility of applying for a social or communal flat from the districts on a general basis, foreigners enrolled in integration programs and requiring special housing support may also apply for a right to live in a “protected flat” run by the Warsaw Family Support Centre since 2011.<sup>879</sup> The period of stay in that kind of flat should coincide with the period of implementing IPI and should not exceed 12 months but in particular cases, this stay may be extended (e.g., in the case of serious illness or during a period of time when a foreigner is waiting for a flat from the city’s housing stock). From 2011 to 2018, a total of 51 people,

<sup>874</sup> Article 52(1) of the Constitution of the Republic of Poland.

<sup>875</sup> Article 1(1) of the Law of 24 March 1920 on the Acquisition of Immovable Properties by Foreigners [*Ustawa z 24 marca 1920 o nabywaniu nieruchomości przez cudzoziemców*, Dz.U. 1920 nr 31 poz. 178].

<sup>876</sup> Article 74(1)2 Law on Protection.

<sup>877</sup> Maryla Koss-Goryszewska ‘Mieszkalnictwo’ in A. Górka, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), available (in Polish) [here](#), 27.

<sup>878</sup> Ibidem, 29.

<sup>879</sup> Program “protected flat” [*mieszkanie chronione*] was established on the basis of the Ordinance no 47/2011 from 28 September 2011 of the Head of the Warsaw Family Support Centre, which was then replaced by the Ordinance no 11/2015 from 24 February 2015 of the Head of the Warsaw Family Support Centre, available (PL) [here](#).

including 29 children – benefited from the “protected flat” housing support.<sup>880</sup> The program “protected flat” is still running but there are other vulnerable groups than BIPs eligible for it.<sup>881</sup>

Another form of housing support for beneficiaries of international protection, which is specific to Warsaw, is the so-called “housing contest”, also organised by the Warsaw Family Support Centre in cooperation with Warsaw City Hall’s Housing Office and Assistance and Social Projects Office. Beneficiaries of protection who complete an IPI and do not succeed in obtaining a social or communal flat in the general procedure can participate in a contest to receive a recommendation to obtain a communal flat (since 2021, including in 2024, the Centre can issue up to 20 recommendations per year, which means there are maximum of 20 flats).<sup>882</sup> Annually, a special qualification commission, which consists of five representatives (two from the Warsaw Family Support Centre, one each from the Housing Office, Assistance and Social Projects Office, and one from NGOs operating in the capital) evaluates applications, taking into consideration criteria such as family/financial situation but also the level of integration. The programme was still running in 2024.<sup>883</sup>

The procedure is not only aimed at supporting persons who are in an unfavourable housing situation but also to promote those who are distinguished and involved in the implementation of the integration programs. Some municipalities provide singular flats annually, dedicated for beneficiaries. Besides Warsaw, there are cities such as Gdansk and Lublin that have some kind of special housing support programs or solutions dedicated to foreigners.<sup>884</sup>

It is important to understand, that difficulty in finding adequate housing for beneficiaries is a part of a general shortage of affordable housing. According to experts, in 2018 there was a shortage of about 2.1 million houses in Poland.<sup>885</sup> This situation most frequently affects people with medium and low income. They neither have access to cheap mortgages nor the finances to buy the apartments. The social housing in the country estimated at 150–200 thousand premises is insufficient for the needs of the population.<sup>886</sup>

Some of the key challenges related to housing which affect particularly beneficiaries of international protection include:

- ❖ the limited supply of affordable housing,
- ❖ high rental costs (especially in big cities),
- ❖ discrimination in the housing market,
- ❖ the lack of specialised housing counselling for beneficiaries of international protection,
- ❖ the risk of homelessness after the end of institutional support under the IPI.<sup>887</sup>

Some researchers stress that, although there is no data on the number of homeless beneficiaries of international protection, there is a high probability that the number is substantial.<sup>888</sup> Stereotypes and negative attitude towards foreigners prevail. Finding accommodation for large families is even more challenging. IPI is not tailored to tackle these problems.<sup>889</sup>

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<sup>880</sup> D. Wach, M. Pachocka, *Polish Cities and Their Experience in Integration Activities – The Case of Warsaw*, 2022, available [here](#), 96-98.

<sup>881</sup> Information from Warsaw municipality website from 23 August 2021, available [here](#).

<sup>882</sup> Program “housing contest” [*konkurs mieszkaniowy*] is regulated by the Ordinance no 46/2021 from 20 October 2021 of the Head of the Warsaw Family Support Centre, available (PL) [here](#).

<sup>883</sup> Information from WCPR website, available in Polish [here](#).

<sup>884</sup> D. Wach, M. Pachocka, *Polish Cities and Their Experience in Integration Activities – The Case of Warsaw*, 2022, available [here](#), 98.

<sup>885</sup> Heritage Real Estate Think Tank, *Ile mieszkań brakuje w Polsce* [What is the housing deficit in Poland], report in cooperation with UN Global Compact Network Poland, November 2018, available [here](#).

<sup>886</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szalańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 158.

<sup>887</sup> Ibidem, 147.

<sup>888</sup> Maryla Koss-Goryszewska ‘Mieszkalnictwo’ in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), available (in Polish) [here](#), 30.

<sup>889</sup> NGOs alternative report to the government report on implementation of the Convention of the Rights of the Child, submitted to UNICEF, August 2020, available (in Polish) [here](#).



Another extensive study on integration from 2020 shows that housing is one of the major issues for both asylum applicants and beneficiaries of international protection in Poland. The shortage of affordable housing makes the situation of persons with international protection particularly difficult. Consequently, the lack of housing opportunities results in slowing down the process of adaptation of foreigners to the new socio-cultural conditions of the host country, and may have a negative impact on their physical and mental health.<sup>890</sup> One significant reason why some individuals who receive international protection opt to leave Poland and seek better living conditions in Western European countries is the challenge of finding suitable and affordable housing. These countries may also have more extensive diaspora and support networks available.<sup>891</sup>

SIP confirms that in 2022 the problem with accommodation-related discrimination of third-country nationals persisted. According to this NGO, the increasing hostility towards foreigners, fuelled by prominent politicians, is not being adequately addressed by the Polish authorities. Finding an affordable flat in the market is difficult and social flats are hardly accessible, so many international protection beneficiaries are at risk of homelessness.<sup>892</sup>

Since 2022 finding housing was additionally complicated by the number of arrivals from Ukraine, which made it nearly impossible to rent apartments in larger cities. (see section on [Housing in Annex on Temporary Protection](#)). As of 2023 the research confirms, that there are no governmental housing programmes for third country nationals and no specific legislation governing their housing in Poland. Due to the lack of social housing, many migrants, refugees and other beneficiaries of international protection have become homeless because they cannot afford free market rent levels.<sup>893</sup> Other reports from 2023 enumerate challenges such as insufficient legal protection of owners' rights, which discourages to rent accommodation to foreigners and limited resources of affordable housing, which results in competing with the rest of the society and possible conflicts.<sup>894</sup>

In September 2024, UN Committee on Economic, Social, and Cultural Rights presented its Concluding observations on the seventh periodic review of Poland. The Committee expressed concern that the poverty rate remains relatively high among refugees. It was pointed out that refugees are particularly vulnerable to homelessness and landlord exploitation due to the lack of affordable homes.<sup>895</sup>

## E. Employment and education

### 1. Access to the labour market

Refugees and beneficiaries of subsidiary protection have access to labour market on the same conditions as Polish citizens. There is no difference between refugees and subsidiary protection beneficiaries in this regard. Access to employment is not limited to certain sectors.

Beneficiaries of international protection face many challenges in accessing the labour market. It starts with the long period of exclusion during the first six months of the procedure for international protection when they are not allowed to work. Then they face other obstacles, such as discrimination by potential employers and performance of simple and low-paid jobs, which pushes them into undocumented work. They often work below their qualifications and skills or do not work at all due to family responsibilities.

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<sup>890</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#), 11.

<sup>891</sup> Ibidem, 136.

<sup>892</sup> Stowarzyszenie Interwencji Prawnej and others, third party joint submission to the 41<sup>st</sup> Session of the Human Rights Council Universal Periodic Review of Poland – 4th cycle, 2022, available [here](#), 4.

<sup>893</sup> Council of Europe, European Commission Against Racism and Intolerance (ECRI), Report on Poland, sixth monitoring cycle, September 2023, available [here](#), 23.

<sup>894</sup> Programme of Integration of Immigrants in the Malopolska Region, 'Open Malopolska', *Program integracji imigrantów w województwie małopolskim „Małopolska otwarta”*, 24 October 2023, available (PL) [here](#), 14.

<sup>895</sup> UN Committee on Economic, Social, and Cultural Rights, 'Concluding observations on the seventh periodic report of Poland', available in English [here](#), 7.

Other problems influencing their situation are trauma and depression. Also, research shows that in order to achieve a good level of integration in the labour market, it is important to have appropriate information, social networks, adequate language training, and a welcoming atmosphere.<sup>896</sup> However, the two most significant challenges that beneficiaries of international protection need to overcome to access the labour market are language and recognition of education and qualifications.<sup>897</sup> Additionally, local labour offices are rated quite negatively by NGO representatives working with refugees, since they are not prepared to help beneficiaries of international protection to enter the labour market in Poland, despite a clear obligation to do so in the law.<sup>898</sup> NGOs report that foreign employees face discrimination, based on multiple factors (including nationality, race, religion, gender, age).<sup>899</sup>

Low language skills and low professional qualifications results in unemployment or employment with low salary; instability of employment; small chances for a promotion.<sup>900</sup> It is easier to find a job in bigger cities, e.g. in **Warsaw** where vocational trainings are provided in foreign languages. Support of the state is only provided during the 12-month Individual Integration Programme (IPI). Although beneficiaries of international protection have access to professional qualifications programs, they are held in Polish which exclude their participation in practice. There are no programs specially dedicated to foreigners improving professional qualifications by learning Polish. Additionally, the specific needs of foreigners are not taken into account.<sup>901</sup>

In the report from 2020, the following issues were identified: insufficient knowledge of Polish by beneficiaries of international protection, modest linguistic skills of the labour market services and limited ties and social networks, which often act as barriers for them to find a job.<sup>902</sup> Assistance provided by social workers within IPI in most cases consists of support in completing the documentation necessary to register at the labour office, searching for job offers and contacting a potential employer as well as informing about the possibility of participating in vocational training in Polish. Vocational trainings on the other hand do not respond to market needs.<sup>903</sup>

An important finding of the study is that despite early and effective inclusion in the labour market which gives a greater chance for integration of beneficiaries of international protection with Polish society, there is a lack of mechanism to mainstream integration of beneficiaries of international protection in the labour market. There is also a lack of a monitoring system for the acquisition of work skills and recognition of qualifications as well as for labour market inclusion of beneficiaries of international protection. Moreover, data related to trainings and the effectiveness of IPI in relation to labour market inclusion are not collected in a systematic way.<sup>904</sup>

One of the key problems remains insufficient knowledge of the Polish language by beneficiaries of international protection. Refugees interviewed for research often bring up that employers do not have time

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<sup>896</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 179.

<sup>897</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 168.

<sup>898</sup> Ibidem, 171.

<sup>899</sup> P. Mickiewicz, *Dyskryminacja cudzoziemców na rynku pracy* [in] Stowarzyszenie Interwencji Prawnej (SIP), *SIP w działaniu. Prawa cudzoziemców w Polsce w 2018 r.* (2019), available (in Polish) [here](#), 53.

<sup>900</sup> Mikołaj Pawlak 'Zatrudnienie' in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 32.

<sup>901</sup> Mikołaj Pawlak, 'Kwalifikacje zawodowe' in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 37.

<sup>902</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#).

<sup>903</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#).

<sup>904</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#), 134.

for explanations and translations.<sup>905</sup> Hence, provision of long-term and effective language courses remains one of the key factors needed for improving the access to labour market. In 2021, it was reported that only around 35% of beneficiaries of international protection attended language courses. This results from either lack of courses in some localities, an inability to reconcile work with participation in a course due to the latter's hours, or low attractiveness of the courses (i.e. their failure to meet the needs of refugees).<sup>906</sup>

Another issue reported in 2022 by SIP is that migrant workers who suffered exploitation or abuse in Poland are not sufficiently assisted. No state support is offered to them. National Labour Inspectorate is an authority that investigates the legality of migrants' work and punishes them for working without needed documents rather than offering support in the event of exploitation or abuse.<sup>907</sup>

On the contrary, in 2023 anti-discrimination measures in labour context were considered adequate. It was found for relatively easy for claimants, including foreigners, to assert discrimination in the context of court proceedings; however, very few employees come forward with complaints.<sup>908</sup>

In general, the integration of refugees has not been perceived as a holistic process by the government. As a result, refugees very often end up living in poverty, and are left in a vicious circle of dependence on social welfare.<sup>909</sup> Various legal acts address different facets of integration policy pertaining to beneficiaries of international protection, albeit to varying degrees and without a specific focus on the topic,<sup>910</sup> but overall Poland lacks an official integration strategy.

On 24 October 2023, the Board of Directors of the region of Malopolska adopted the *Programme of Integration of Immigrants in the Malopolska Region ('Open Malopolska')*. This is the first document of its kind officially adopted at the regional level in Poland. The main goal of the programme is to strengthen the integration of immigrants in the Malopolska region. The programme was developed collaboratively, involving workshops with more than 200 representatives of government and local administrations, civil society organisations, immigrant communities, employers, educational and cultural institutions and academic and research communities. The implementation of the programme will be collaboratively evaluated every three years.<sup>911</sup> The Programme enumerates the main challenges with regard to access to labour market of foreigners in Poland in general, which are: language barrier, long and complicated process of recognition of qualification or limitations in self-employment. As for the recognition of qualification the authors observe, that some facilitations in this regard cannot limit the verification of knowledge and experience. Ensuring equivalence in qualification acquired in the country of origin and in the host country constitute a basis for building trust to foreign employees by service receivers and by employers.<sup>912</sup>

## 2. Access to education

According to the Polish constitution, everyone has a right to education, and education is compulsory until the age of 18. Thus, the right to education is guaranteed not only to Polish citizens but to all children living in Poland, including beneficiaries of international protection, who have free and unlimited access to education in public schools until the age of 18 or the completion of high school. Concerning higher

<sup>905</sup> RESPOND Poland Policy Brief, Adult Refugees' Integration in Poland, 2021, [here](#).

<sup>906</sup> RESPOND Poland Policy Brief, Adult Refugees' Integration in Poland, 2021, [here](#).

<sup>907</sup> Stowarzyszenie Interwencji Prawnej and others, third party joint submission to the 41<sup>st</sup> Session of the Human Rights Council Universal Periodic Review of Poland – 4th cycle, 2022, available [here](#).

<sup>908</sup> Council of Europe, European Commission Against Racism and Intolerance (ECRI), Report on Poland, sixth monitoring cycle, September 2023, available [here](#), p.23.

<sup>909</sup> RESPOND Poland Policy Brief, Adult Refugees' Integration in Poland, 2021, [here](#).

<sup>910</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#), 10.

<sup>911</sup> European Website on Integration, Poland: Adoption of first regional strategy for migrant integration, 24 October 2023, available [here](#).

<sup>912</sup> Programme of Integration of Immigrants in the Malopolska Region, 'Open Malopolska', *Program integracji imigrantów w województwie małopolskim „Małopolska otwarta”*, 24 October 2023, available (PL) [here](#), 11.

education, beneficiaries of international protection have free access to it under the conditions applicable to Polish citizens.

The situation of IP beneficiaries generally does not differ from the situation of asylum applicants (see above [Reception Conditions: Access to education](#)) The situation of IP beneficiaries can be worse because the schools near the reception centres are more familiar with the challenges related to foreign pupils than other schools in the country.

Data on the number of third country national children is collected through the nationwide Educational Information System. The analysis of this data and comparison with other information shows that the system of collecting information on foreign students is flawed and data is incomplete. This is mainly due to the difficulties in correctly determining the legal status of pupils by the school staff.<sup>913</sup> The Ministry of Education confirmed that such reports are not publicly available.<sup>914</sup>

As research shows, even though there are instruments stipulated by the law designed for migrant children,<sup>915</sup> such as additional Polish language classes, compensatory classes, preparatory classes and cross-cultural teachers' assistants, due to insufficient funding their implementation is often inadequate.<sup>916</sup> Some research shows that the biggest shortcoming of the inclusion of refugee children in the education system is the lack of trainings and methodological support for teachers who work with them.<sup>917</sup> Other studies highlighted that children beneficiaries face more obstacles than other children with an immigrant background because of disrupted or minimal prior education. The challenges might also include a lack of documentation of their education, credentials, and diplomas. This makes it difficult to assess their skills. In addition, refugee children often deal with PTSD caused by trauma, pain, and the protracted lack of stability.<sup>918</sup> Since 2022, the public debate on education for refugee children was mostly focused on the necessity to manage the arrival of a large number of children from Ukraine (see [Annex on Temporary Protection](#)). In 2023, the main problem identified in recent research regarding the education of foreign children was the shortage of Polish language classes, which were either not organised or not adapted to the needs of foreign students.<sup>919</sup>

Previous research reported problems regarding the lack of monitoring of school attendance and limited cooperation between schools and parents.<sup>920</sup> In 2024 Ocalenie NGO published a report focusing on parents-schools relations in foreign children's education.<sup>921</sup> In parents – school communication the most important factor was the language. In case the parent did not know the language sufficiently enough to communicate, cross-cultural assistants were found very helpful. The report stresses that while Russian- or English – speaking pupils can generally rely on their help, pupils speaking other languages often are not assisted by such assistants. If the cross-cultural assistant was missing, often the children themselves became guides for their parents in issues concerning their own education. The report suggests that child-refugees are forced to become more responsible for their own education in comparison to Polish pupils.

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<sup>913</sup> K. Potoniec (ed), Comparative analysis of instruments supporting the integration of pupils under international protection in the educational systems of the Czech Republic, Poland and Hungary, 2021, [here](#), 12.

<sup>914</sup> Information from the Ministry of Education, 12 February 2024.

<sup>915</sup> Council of Europe, European Commission Against Racism and Intolerance (ECRI), Report on Poland, sixth monitoring cycle, September 2023, [here](#), 23.

<sup>916</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 121.

<sup>917</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#), p. 135.

<sup>918</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 122.

<sup>919</sup> Council of Europe, European Commission Against Racism and Intolerance (ECRI), Report on Poland, sixth monitoring cycle, September 2023, [here](#), 23.

<sup>920</sup> Programme of Integration of Immigrants in the Malopolska Region, 'Open Malopolska', *Program integracji imigrantów w województwie małopolskim „Małopolska otwarta”*, 24 October 2023, available (PL) [here](#), 13.

<sup>921</sup> Ocalenie Foundation, 'Rodzice dzieci cudzoziemskich w kontaktach z polskimi szkołami', November 2024, available in Polish [here](#).

The main challenges for adults in education appeared to be learning Polish language and recognition of education certificates obtained in the countries of origin.<sup>922</sup> Beneficiaries of international protection have free access to higher education, under the same conditions as Polish citizens (tuition, completed secondary-level education and a maturity certificate). The absence of relevant document for refugees does not hinder their ability to pursue studies, as there is an administrative recognition procedure specifically designed for these cases.<sup>923</sup>

Knowledge of the host country's language is perceived as one of the most important factors of successful integration, determining access to education, labour market, health, etc. Beneficiaries of international protection are obliged to learn Polish if they participate in an integration programme (IPI), and if there is a need for their participation in a course. Participation in IPI does not include automatic registering for a Polish language course, because it depends on the availability of the courses. Assessment of the need to learn Polish is made by a social worker from the family support centre responsible for mentoring the beneficiaries of the IPI. However, it is not specified what level of Polish language the beneficiary should reach after accomplishing the programme.<sup>924</sup> Another problem is that IPI lasts only 12 months and so is the obligatory period of participation in the Polish language course.

The key challenges in the language education of adults identified in the latest research were:

- ❖ finding the right course: those organised for free by NGOs are usually overcrowded, because of the huge interest, and the ones run by private language schools are expensive (and the price can be a deterrent factor, even if it is reimbursed within IPI);
- ❖ lack of effectiveness of the courses, the lack of methodology of teaching based on the needs of learners and the lack of different approaches depending on the group's native languages;
- ❖ lack of possibility to combine work with courses. The lack of organised childcare during language classes also makes it difficult for women who take care of children to attend the class.<sup>925</sup>

## F. Social welfare

Beneficiaries of international protection have access to social welfare on equal terms as nationals. There is no difference in treatment between refugees and subsidiary protection beneficiaries.

### 1. Forms of social assistance

Social assistance can be provided *inter alia* for the following reasons: orphaned children; poverty; homelessness; unemployment; disability; long-term or severe disease, violence in the family; the need to protect the child and family; addiction (alcoholism and drug addiction); difficulties in the integration of foreigners who were granted refugee status, subsidiary protection, sudden and unpredictable situations (natural/ecological disaster, crisis, random event), difficulties in integration due to leaving the care and educational institution or prison.

Social assistance is granted to beneficiaries of international protection whose income does not exceed PLN 776 (EUR 180) (for a single person), or PLN 660 (EUR 153) (for a person in the family).<sup>926</sup> The application for social assistance has to be filed before the Social Welfare Centre (*Ośrodek Pomocy Społecznej*, OPS) which is located in the district where beneficiaries of international protection reside.<sup>927</sup>

Beneficiaries of international protection are also entitled to family benefits and supplements (*świadczenia rodzinne i dodatki*) under two conditions also applicable to Polish nationals: (a) residence in Poland; and

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<sup>922</sup> Ibidem.

<sup>923</sup> Ibidem.

<sup>924</sup> Ibidem.

<sup>925</sup> Ibidem, 131.

<sup>926</sup> Since 1 January 2022.

<sup>927</sup> Ministry of Family, Work and Social Policy, Information available (PL) [here](#).



(b) the average monthly family income per person in a family, which cannot exceed PLN 674 (EUR 156) or PLN 764 (EUR 177) <sup>928</sup> if the child in the family is certified as disabled. They have a right to apply for:

- ❖ Family allowance
- ❖ Childbirth aid and supplement
- ❖ Attendance allowance
- ❖ Parental benefit
- ❖ Supplement for the beginning of the school year, education away from home, education and rehabilitation of a disabled child, raising a child in a numerous family, raising a child alone, and caring for a child during parental leave.

Furthermore, beneficiaries of international protection have a right to apply for special financial support under the government “800+ Programme”, which is paid on a monthly basis. This benefit is for families with children and should be spent on the need of the child regardless of income.

In the first half of 2023, 2,404,544 PLN was spent on different kinds of social welfare for recognised refugees and 14,124,744 PLN was spent for beneficiaries of subsidiary protection.<sup>929</sup> Assistance was provided in the form of social assistance, psychological and legal support, assistance in local institutions, financial support, and cash benefits for learning the Polish language as part of the implementation of the individual programme of integration.

Social Welfare Centres assisted 367 families (816 persons) of recognised refugees in the first half of 2023 and 1,420 families (2,587 persons) under subsidiary protection.<sup>930</sup>

## 2. Individual Integration Programme (IPI)

Beneficiaries of international protection are also entitled to the Individual Integration Programme (IPI) provided by the Poviats Family Support Centres (*Powiatowe Centra Pomocy Rodzinie*, PCPR). They have to submit an application for IPI with additional documentation to the head of the Poviats (starosta) through the PCPR within 60 days from the date beneficiaries of international protection received a decision on refugee status or subsidiary protection. The application covers also the spouse and the minor children of the applicant if they were covered by the applicant's asylum application. On the other hand, children born in Poland after the completion of the parents' integration program are not granted such assistance.<sup>931</sup> Likewise, the spouse of a Polish citizen has been excluded by law from the right to apply for the IPI.

The Programme takes 12 months during which integration assistance is provided. This assistance includes:

- ❖ Cash benefits for the maintenance and coverage of expenses related to learning the Polish language;
- ❖ Payment of the health insurance premium specified in the provisions on general insurance in the National Health Fund;
- ❖ Special social counselling.

The social worker carries out the so-called environmental interview with a beneficiary of international protection and their family, and then together with them draw up an IPI. The programme determines the amount, scope and forms of integration assistance, as well as mutual obligations of the beneficiary and PCPR. The minimum cash benefit amount is PLN 721 (EUR 167), per person per month. Financial assistance is paid from the month beneficiaries of international protection applied for IPI or from the moment they left the open centre for foreigners.

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<sup>928</sup> Ministry of Family, Work and Social Policy, Information, available (in Polish) [here](#).

<sup>929</sup> Ministry of Family, Labour and Social Policy, 12 February 2024.

<sup>930</sup> Information provided by the Ministry of Family, Labour and Social Policy, 12 February 2024.

<sup>931</sup> SIP, We present our comments to the European Commission Against Racism and Intolerance, June 2022, available (EN) [here](#).



Beneficiaries of international protection are entitled to receive:

1) during the first 6 months of the integration program:

- ❖ up to PLN 1376.00 (EUR 322) per month - for a single person;
- ❖ up to PLN 963.20 (EUR 225.5) per person per month - in a 2-person family;
- ❖ up to PLN 825.60 (EUR 193) per person per month - in a 3-person family;
- ❖ up to PLN 688 (EUR 161) per month per person - for a family of four and more.

2) in the period from 7 to 12 months of the integration program:

- ❖ up to PLN 1238.40 (EUR 290) per month - for a single person;
- ❖ up to PLN 866.88 (EUR 203) per person per month - in a 2-person family;
- ❖ up to PLN 743.04 (EUR 174) per person per month - in a 3-person family;
- ❖ up to PLN 619 (EUR 145) per month per person - for a family of four and more.<sup>932</sup>

PCPR assists the beneficiary to obtain housing in a place of residence of his or her choice, where he or she is obliged to reside during the 12-month period of the IPI. A change of residence is allowed in particularly justified cases. In case the beneficiary changes residence in the region without informing PCPR, the programme will be terminated.

In practice, beneficiaries face several obstacles in obtaining social assistance, ranging from a lack of awareness of their rights and language barriers to the discretion of authorities in the limits of financial assistance granted to the requirement of translated forms and official documents which cannot be obtained from their country of origin e.g. alimony judgment to receive the “800+” child benefit. The need for the entire family to reside in Poland may also pose difficulties.<sup>933</sup> According to the NIEM report,<sup>934</sup> the regulations guiding the IPI have been out of date for more than a decade now, and they no longer respond to the needs of its beneficiaries.

As studies find, social policy provides few to no resources needed to maintain oneself independently in Poland.<sup>935</sup> By delivering mostly financial assistance, integration programmes help families to survive on a daily basis but fail to build the resources needed to become independent, to achieve appropriate adaptation levels in a new environment and prepare themselves to cover free market rental costs. For some participants, the programmes strengthened their feelings of lacking control over their lives and the helplessness already developed during the asylum procedure. There is a lack of adequate social work with beneficiaries. The financial means are not sufficient for renting a flat on the commercial market and only a few of them can count on receiving social or communal housing.<sup>936</sup> According to SIP, Nomada and NIEM reports,<sup>937</sup> IPI should last longer than 12 months, and be practically adapted to individual needs of applicants. Additionally, integration assistance should also be granted to children born after the completion of parents' integration programs.<sup>938</sup>

The case workers interviewed in the study explained that, because they have too many integration programmes to manage monthly, it was practically impossible for them to offer any social work

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<sup>932</sup> Ministry of Family, Work and Social policy, *ROZPORZĄDZENIE MINISTRA PRACY I POLITYKI SPOŁECZNEJ z dnia 7 kwietnia 2015 r. w sprawie udzielania pomocy cudzoziemcom*, available (in Polish) [here](#).

<sup>933</sup> Commissioner for Human Rights, ‘Prawo do świadczeń rodzinnych cudzoziemki objętej ochroną uzupełniającą w sytuacji, gdy nie wszyscy członkowie rodziny zamieszkują w Polsce, PCPR’, 10 January 2018, available (in Polish) [here](#).

<sup>934</sup> NIEM diagnosis of the situation of beneficiaries of international protection in Poland, 2019, available (EN) [here](#).

<sup>935</sup> Lukaszewicz, K., ‘Exile to Poverty: Policies and Poverty Among Refugees in Poland’, *International Migration Vol. 55 (6) 2017*, 65, see also *Prawa dziecka-Raport Alternatywny*, August 2020, available (in Polish) [here](#).

<sup>936</sup> Ibidem.

<sup>937</sup> List of recommendations to improve housing situation of Beneficiaries of International Protection in Poland – prepared by Refugee Council operating within the NIEM/V4NIEM, [here](#).

<sup>938</sup> SIP, *Komentujemy propozycje zmian w ustawie o pomocy społecznej*, available (in Polish) [here](#).

counselling, and they instead focused on managing monetary transfers.<sup>939</sup> Most of the IPIs are implemented by WCPR (Warszawskie Centrum Pomocy Rodziny), which department of Social Integration and Crisis Intervention has four social workers who provide integration assistance to beneficiaries of international protection.<sup>940</sup>

## G. Health care

The right to healthcare is a constitutional right, applicable to third-country nationals as well as to citizens.

Beneficiaries of international protection and members of their families are subject to the same rules as residents of Poland in accessing healthcare, based on public health insurance. Being “insured” usually is related to the age and economic activity of the person (e.g., those under 18 years old, lawfully employed or retired, or registered as an unemployed person). Beneficiaries of international protection and members of their families who have temporary residence permits are directly included on the list of persons authorised to access public healthcare services if they are not “insured”, provided that their income meets the criterion specified in the Law on Social Assistance. Beneficiaries of refugee status or subsidiary protection obtained in Poland covered by an IIP are “insured” under the programme (except when they are insured for another reason).<sup>941</sup>

Importantly, in Poland, all children under 18 years old are entitled to free health care, even if they are not insured and the cost of their treatment is covered by the State Treasury. Children under 19 years old who attend school, regardless of their migration status, are covered by preventive healthcare which includes medical and dental examinations, rehabilitation programmes, health awareness education and health emergency education provided by school or district nurses.<sup>942</sup>

The health insurance with the NFZ covers all guaranteed health care services specified in the lists of the Ministry of Health. They include both basic and specialist medical services, vaccinations, diagnostic testing (laboratory or other), rehabilitation, hospital care and medical rescue services, emergency ambulance services and medical transport. Notably, nursing care for elderly persons is not provided in Poland.<sup>943</sup>

Not all refugees can take full advantage of the existing health resources and services provided by the Government of Poland. This is due to, among other things, language barriers, relatively long waiting times or the high cost of services.<sup>944</sup>

Research has shown that the main issue concerning access to healthcare are linguistic and cultural barriers.<sup>945</sup> Access to interpretation in the health care system is not available at all.<sup>946</sup> Other challenges are similar to the challenges Polish nationals face as well: long waiting times to have an appointment with a specialist, costly private medical services and expensive medicines. BIPs’ access to health care is

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<sup>939</sup> Lukaszewicz, K., ‘Exile to Poverty: Policies and Poverty Among Refugees in Poland’, *International Migration* Vol. 55 (6) 2017, 65.

<sup>940</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, ‘Integration Policies, Practices and Responses. Poland – Country Report’, *Multilevel Governance of Mass Migration in Europe and Beyond Project (#770564, Horizon2020)*, available [here](#).

<sup>941</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 201.

<sup>942</sup> Article 27(1) and (3) Law on healthcare services financed from public funds.

<sup>943</sup> Alexander Wolffhardt, Carmine Conte, Thomas Huddleston, *The European benchmark for refugee integration: A comparative analysis of the National Integration Evaluation Mechanism in 14 EU countries*, 2019, available [here](#), 122.

<sup>944</sup> Central Statistical office in collaboration with WHO, *Health of refugees from Ukraine in Poland 2022 - Household survey and behavioural insights research*, February 2023, available [here](#).

<sup>945</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 203.

<sup>946</sup> Alexander Wolffhardt, Carmine Conte, Thomas Huddleston, *The European benchmark for refugee integration: A comparative analysis of the National Integration Evaluation Mechanism in 14 EU countries*, 2019, available [here](#), 124.

jeopardised by difficulties in accessing legal forms of employment, which guarantee free health care.<sup>947</sup> Researchers reported on episodes of discrimination and unjust treatment of international protection beneficiaries while accessing medical services.<sup>948</sup>

In 2021, SIP reported a case of a woman granted subsidiary protection 10 years earlier, who was charged with the costs of perinatal care provided in the hospital when she was delivering her child. This action was taken based on a decision made by the President of the NFZ. The reasoning of the decision mentioned that at that time the woman had not had social insurance. As a result of a complaint submitted by the woman, assisted by the NGO lawyer, the authority annulled its own decision admitting that the woman had a right to cost-free perinatal care.<sup>949</sup>

One of the gaps in medical services is the specialized treatment for victims of torture or traumatized refugees. There is a clear lack of qualified psychologists and therapists specializing in treating trauma, in particular in an intercultural context.<sup>950</sup>

Some recurring issues also include - despite the abovementioned language and cultural barrier – differences in approach to medical procedures in the country of origin and in the host country.<sup>951</sup>

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<sup>947</sup> Maryla Koss-Goryszewska 'Służba zdrowia' in A. Górską, M. Koss-Goryszewska, J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji: Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce* (Instytut Spraw Publicznych 2019), 43.

<sup>948</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, M. Szulecka, *From Reception to Integration of Asylum Seekers and Refugees in Poland*, 2023, available [here](#), 201.

<sup>949</sup> SIP, *Opieka medyczna dla kobiet w okresie porodu i porodu oraz ich dzieci*, 10 May 2021, [here](#).

<sup>950</sup> K. Sobczak-Szelc, M. Pachocka, K. Pędziwiatr, J. Szałańska, 'Integration Policies, Practices and Responses. Poland – Country Report', *Multilevel Governance of Mass Migration in Europe and Beyond Project* (#770564, Horizon2020), available [here](#), 136.

<sup>951</sup> Programme of Integration of Immigrants in the Malopolska Region, 'Open Malopolska', *Program integracji imigrantów w województwie małopolskim „Małopolska otwarta”*, 24 October 2023, available (PL) [here](#), 13.

## ANNEX I – Transposition of the CEAS in national legislation

### Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
<b>Directive 2011/95/EU</b> Recast Qualification Directive	21 December 2013	30 August 2014	Ustawa z dnia 26 czerwca 2014 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	<a href="http://bit.ly/1dBH7hj">http://bit.ly/1dBH7hj</a> (PL)
<b>Directive 2013/32/EU</b> Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	13 November 2015	Ustawa z dnia 10 września 2015 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	<a href="http://bit.ly/1SHTI1B">http://bit.ly/1SHTI1B</a> (PL)
<b>Directive 2013/33/EU</b> Recast Reception Conditions Directive	20 July 2015	13 November 2015	Ustawa z dnia 10 września 2015 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	<a href="http://bit.ly/1SHTI1B">http://bit.ly/1SHTI1B</a> (PL)
<b>Regulation (EU) No 604/2013</b> Dublin III Regulation	Directly applicable 20 July 2013	13 November 2015	Ustawa z dnia 10 września 2015 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	<a href="http://bit.ly/1SHTI1B">http://bit.ly/1SHTI1B</a> (PL)