



## Input by civil society organisations to the Asylum Report 2025

Dear Colleagues,

The production of the *Asylum Report 2025* is currently underway. The annual [Asylum Report](#) presents an overview of developments in the field of international protection in Europe.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share your reporting on developments in asylum law, policies or practices in 2024 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2024 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage and contributing organisations will be listed under the Acknowledgements of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites;
- press releases;
- position papers.

Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.





The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

***NB: This year's edition of the Asylum Report will be significantly revamped to achieve a leaner, more analytical report with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years.***

Your input matters to us and will be much appreciated!

\*Please submit your contribution to the Asylum Report 2025 by **Friday, 10 January 2025**.\*





## Contact details

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Name of organisation: Helsinki Foundation for Human Rights

Name and title of contact person: Zuzanna Filipowicz and Monika Długosz

Email: refugees@hfhr.pl

I accept the provisions of the EUAA [Legal and Privacy Statements](#)

## General Observations

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Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

### 1. What areas would you highlight where important developments took place in the country/countries you cover?

The most important developments took place in the area of access to international protection procedure and the reception conditions of displaced persons from Ukraine.

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<sup>1</sup>. One of the deliverables of the government's strategy is adoption of a draft law amending the Act on granting protection to foreigners on the territory of the Republic of Poland<sup>2</sup> (hereinafter: Act on Protection), which provides for a time and territorial limitation in the admission of asylum applications.

The new migration strategy - titled „Regain control. Ensure security”, strongly focuses on the security issues, however the clear aim is not set and it is difficult to find any concrete proposals or solutions in the document. The strategy lacks references to actual data or reliable analyses of the migration phenomenon itself or current migration laws. The overall language of the document is political and anti-migrant in nature<sup>3</sup>.

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<sup>1</sup> <https://www.gov.pl/web/premier/odzyskac-kontrolę-zapewnić-bezpieczeństwo---strategia-migracyjna-na-lata-2025---2030>

<sup>2</sup> Projekt ustawy o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej przyjęty przez rząd 18 grudnia 2024 r., link: <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-rzeczypospolitej-polskiej3>

<sup>3</sup> <https://hfhr.pl/aktualnosci/komentarz-hfpc-polityka-migracyjna>





It is also important to highlight that the ban on entering the area adjacent to the Polish-Belarusian border has been reintroduced and in force since the middle of June 2024.

Another key development is coming into force of novelisation of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that state, which provides new regulations on access to territory and reception conditions (incl. access to social benefits and education) for Ukrainian citizens and their families arriving to Poland since 24 February 2022. The novelisation came into force on 1 July 2024 (with exceptions).

Still the issues of arbitrary detention of the asylum seekers and age assessment remain a challenge.

## **2. What are the areas, where only few or no developments took place?**

There were no major developments in area of first and second instance asylum procedures as they remain in an unchanged form. The number of applications for international protection is high (by the end of September 2024, 12.300 foreigners have applied for international protection in Poland<sup>4</sup>, an increase of 80% compared to the same period in the previous year<sup>5</sup>). Also, in the areas of Dublin procedures and content of protection, no significant changes were noted.

## **3. Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?**

The government has so far failed to take legal measures to implement the Pact. However, following the adoption of a new migration strategy, the prime minister announced in early October that Poland would not implement the Pact's solutions that undermine state security<sup>6</sup>. The abovementioned migration strategy is in part a commentary on the Pact, describing it as inadequate to Poland's situation and not providing solutions and tools to the challenges of the instrumentalization of migration. Moreover, the draft of amendments to Act on Protection, suspending the right to asylum, was adopted by the Council of Ministers in December this year.

# **PART A: Contributions by topic**

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<sup>4</sup> The largest number of cases involved nationals of: Ukraine - 4.500, Belarus - 2.900, Russia – 800, Somalia – 500, Eritrea – 500. It is important to note that these numbers are not exceptional as in 2015 and 2016 the Office for Foreigners noted respectively 12.325 and 12.319 applications for international protection in Poland. At that time most of the applications were as well filed prevalently by nationals of Russia and Ukraine. Data available at: <https://www.gov.pl/web/udsc/zestawienia-roczne>

<sup>5</sup> <https://www.gov.pl/web/udsc/ochrona-miedzynarodowa-po-iii-kwartale-2024-r>

<sup>6</sup> <https://www.euractiv.com/section/politics/news/polish-government-insists-new-eu-migration-pact-poses-national-security-threat/>





Please share **your reporting on developments in asylum law, policies or practices in 2024 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2024 and new or remaining challenges;
- ✓ Changes in legislation, policies or practices, or institutional changes during 2024.

**1. Access to territory and access to the asylum procedure** (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

*A. Amendments to the Act on Protection – suspending the right to asylum*

On 18 December 2024 the Council of Ministers adopted a draft law amending the Act on Protection<sup>7</sup>. The amendments are to be introduced as an implementation of the decisions announced by the government in connection with the country's new migration strategy for 2025-2030<sup>8</sup>. The draft provides for a time and territorial limitation in receiving asylum applications by introducing the term “instrumentalization” into the law.

„Instrumentalization” has been defined as actions aimed at enabling the unlawful crossing by the foreigners of the Schengen area’s external border, in particular with the use of violence against or in conjunction with the destruction of border infrastructure. The concept was inspired by the Regulation (EU) 2024/1359<sup>9</sup>, which defines „instrumentalization” in a similar manner and provides solutions such as implementation of solidarity measures. However, according to the EU regulation, foreigners should be given effective and real access to the procedure for applying for international protection, when the measures introduced in Polish law contradict this objective.

Proposed Article 33a of the Act on Protection allows for a temporary restriction of the right to apply for asylum in the case of: (-) when instrumentalization occurs, (-) the instrumentalization actions constitute a serious and actual threat to the security of the state or society, and (-) the introduction of a temporary restriction of the right to apply for international protection is necessary to eliminate the aforementioned threats. According to the draft, the restriction will be implemented by a Council of Ministers decree for a period of 60 days on the designated section of the border. An extension is possible for a specified period, not to exceed another 60 days.

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<sup>7</sup> Projekt ustawy o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej przyjęty przez rząd 18 grudnia 2024 r., link: <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-rzeczypospolitej-polskiej3>

<sup>8</sup> "Odzyskać kontrolę. Zapewnić bezpieczeństwo" - strategia migracyjna na lata 2025 – 2030, link: <https://www.gov.pl/web/premier/odzyskac-kontrolę-zapewnic-bezpieczenstwo---strategia-migracyjna-na-lata-2025---2030>

<sup>9</sup> Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147.





Proposed Article 33b of the Act on Protection provides exceptions to the suspension of the right to apply for asylum for:

- 1) unaccompanied minors;
- 2) pregnant women;
- 3) persons who may require special treatment in particular due to his/her age or state of health;
- 4) persons who, in the opinion of the Border Guard authority, are at real risk of experiencing serious harm in the country from which he or she came directly to Poland;
- 5) citizens of the state which applies instrumentalization.

It should also be pointed out that the draft law does not provide any procedure for the refusal of filing an asylum application, which means that there will be no individual decision that could be appealed to the relevant authority or to the court. The refusal will not be preceded by any formal procedure, even to determine whether the applicant belongs to the category of vulnerable individuals listed above. Introducing a closed list of persons eligible to apply for asylum without establishing a procedure determining this status will result in arbitrariness. Border Guard officers cannot be expected to reliably assess health or even determine the correct age without resorting to appropriate procedures and methods. Most importantly, however, belonging to any of the categories indicated in the provision is not relevant to the grounds for granting international protection.

In the HFHR's opinion, the proposed regulations are inconsistent with the Constitution of the Republic of Poland, the standards of international law and EU law. They replicate the pattern of illegal pushbacks and compound the risk of violating the prohibition of collective expulsion of foreigners. The proposed solution strikes at the very essence of the principle of *non-refoulement* by not allowing migrants to apply for asylum and as a result returning them to the territory of Belarus, which cannot be considered as safe and risks the occurrence of the so-called chain-refoulement. Moreover, it is concerning that the draft's explanatory statement identifies Article 33(2) of the Geneva Convention as a provision that legitimizes the suspension of principle of *non-refoulement* to a broad group of people.

#### *B. Polish-Belarusian border*

There is an ongoing humanitarian crisis on the Polish-Belarusian border related to asylum-seekers crossing the border outside border crossings, and to the Polish state's pushback policy. Most of the information presented in last year's report remains relevant.

Situation on the PL-BY border has been continuously used for political purposes. The new coalition, with Donald Tusk as prime minister, officially took power on 13 December 2023. However, the government's actions and aggressive narrative toward refugees persist. At the convention of the party led by Donald Tusk, on the anniversary of the elections won, the first objectives of the migration strategy were announced,





including the postulate of “temporary suspension of the right to asylum” which in a way sums up the picture of the new government's attitude to migration<sup>10</sup>. During the year of its rule, anti-migrant rhetoric has escalated, pushbacks and violence have been continued<sup>11</sup>, the border barrier is being strengthened, the construction of additional fortifications on the eastern border has been announced<sup>12</sup>, there have been attacks by self-proclaimed militias on migrants<sup>13</sup>, the authority of officers to use firearms has been strengthened, exclusion zone has been established on the border strip, and, finally, a controversial migration strategy and a draft law allowing for the temporary and territorial suspension of the right to asylum have been introduced. Consultations with the non-governmental sector were largely facile in this regard - for example, consultations on the introduction of the exclusion zone took place at the same time that its introduction was announced, also consultations on the migration strategy took place more than a month after the document was adopted.

According to the official statistics published on the Border Guard's website, in the first 9 months of 2024 on PL-BY border there has been 2.303 foreigners apprehended as a result of crossing the border illegally or attempting to do so<sup>14</sup>. However, the statistics might be significantly underestimated as Border Guards pushback foreigners often without preparing an official apprehension protocol and proper procedure. It is also evident in the official communication on the government website summarizing the operation of the exclusion zone. The communiqué states that 4.322 attempts to cross the border were recorded only in the period from June 13 to August 21, 2024<sup>15</sup>. The numbers may vary given the possibility of counting people or only the attempts they undertake, but unofficially reported statistics and those derived from the Border Guard's daily or weekly information published on the X platform<sup>16</sup> confirm that, indeed, the official statistics are not reliable.

The Border Guard continues the malpractice of ignoring foreigners' declarations of willingness to apply for asylum - made both orally and in writing. In addition, it has

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<sup>10</sup> <https://www.pap.pl/en/news/polands-migration-policy-include-temporary-halt-right-asylum>

<sup>11</sup> <https://wearemonitoring.org.pl/wp-content/uploads/2024/12/Chce-zostac-w-Polsce-online.pdf>

<sup>12</sup> <https://notesfrompoland.com/2024/05/27/poland-unveils-details-of-e2-4bn-fortification-of-eastern-borders/>

<sup>13</sup> Fortunately, the initiative to form anti-immigrant militias was responded to by the police, and the prosecutor's office also got involved. However, it shows how the aggressive language of the debate and anti-migrant, often xenophobic and racist sentiments affect the society and the safety of foreigners. More on the attacks: <https://trojka.polskieradio.pl/artykul/3430291.atak-na-migrantow-w-zyrardowie-wiceszef-mswia-wyjasnimy-to-do-spodu> ; <https://oko.press/licencja-na-bezkarnosc-aktywisci-o-granicy>

<sup>14</sup> statistics available here: <https://www.strazgraniczna.pl/pl/granica/statystyki-sg/2206,Statystyki-SG.html>

<sup>15</sup> <https://www.gov.pl/web/mswia/70-dni-funkcjonowania-strefy-buforowej-na-granicy-z-bialorusia>

<sup>16</sup>

[https://x.com/Straz\\_Graniczna?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor&mx=2](https://x.com/Straz_Graniczna?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor&mx=2)





been observed that foreigners, after being transported to a Border Guard post, are handed declarations of unwillingness to apply for asylum and are forced to sign them<sup>17</sup>.

Polish courts invariably claim that the practice of returning irregular migrants to Belarus – without a proper examination of their individual situation and asylum claims – violates domestic, EU and international law, including the ECHR. The domestic laws legitimizing pushbacks have been criticized since their adoption by national and international organizations and institutions. Despite the strong position of judiciary and other entities against the pushback laws and practices applied at the Polish-Belarusian border, third-country nationals continue to be pushed back to Belarus and subjected to inhuman and degrading treatment both in Poland and Belarus<sup>18</sup>.

This year the court gave rulings in two similar cases of pushback – of an Ethiopian man and an Afghan man, who after crossing the border fence had to stay in a Polish hospital as a result of breaking a leg, and were further pushed back to Belarus when they were still unable to walk and have repeatedly stated the intention to apply for asylum. The court pointed out, in accordance with the existing line of jurisprudence, that the Border Regulation allowing foreigners to be turned back to the border line without initiating the relevant proceedings is incompatible with acts of a higher order - laws, the Polish Constitution, European Union law and international treaties. The court also held that the time limit for appealing the action of returning to the border starts to run only from the moment of finding out under what procedure the foreigner was removed from the country, the pushback itself and the establishment of an attorney do not trigger the deadline<sup>19</sup>.

The practice of pushbacks takes places also at the regular border crossing in Terespol (Polish border with Belarus). During the year, there have been numerous reports of foreigners appearing several or more times at the border crossing point and expressing their will to apply for international protection in Poland, but without success<sup>20</sup>. The situation in several cases also involved families with young children<sup>21</sup>. Foreigners get stuck in a kind of limbo as they arrive at the border crossing, where the application from them is not accepted, so they cannot enter Poland and have to turn back to

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<sup>17</sup> [https://bip.brpo.gov.pl/sites/default/files/2024-09/Do\\_KGSG\\_cudzoziemcy\\_pelnomocnicy\\_pushbacki\\_9\\_09\\_2024.pdf](https://bip.brpo.gov.pl/sites/default/files/2024-09/Do_KGSG_cudzoziemcy_pelnomocnicy_pushbacki_9_09_2024.pdf)

<sup>18</sup> SIP, 'Current situation on the Polish-Belarusian border – statement by Grupa Granica', 11 July 2024, <https://interwencjaprawna.pl/en/current-situation-on-the-polish-belarusian-border-statement-by-grupa-granica/>; Grupa Granica, 'August 2024. Report from the Poland-Belarus border', September 2024, <https://wearemonitoring.org.pl/wp-content/uploads/2024/09/2407-ST-CM-August-2024-ENG.pdf>.

<sup>19</sup> <https://hfhr.pl/aktualnosci/kolejne-wyroki-w-sprawach-migracyjnych>

<sup>20</sup> <https://oko.press/burundyjczycy-wpuszczeni-do-polski>

<sup>21</sup> <https://oko.press/irakijczycy-wypchnieci-3-wrzesnia-na-bialorus-na-przejsciu-w-terespolu-zostali-wpuszczeni-do-polski>

<https://bip.brpo.gov.pl/pl/content/rpo-rodzina-afganistanu-zawrocona-przejscie-graniczne-sg>







Belarus, attempting the same process in the following days and weeks. The situation at the border crossing point in Terespol is monitored by the ombudsperson, CSOs and media.

According to the recent HFHR's report on persons missing on 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>22</sup>. The We Are Monitoring organisation which collects data and testimonies of migrants who experienced pushbacks, notes that between January and November 2024 there were 13.600 pushbacks<sup>23</sup>. However, it should be bear in mind that this number does not mean that 13.600 persons were pushed back, as usually it is the attempt that is counted, so several pushbacks can be experienced by one person.

On 18 October 2024, the President signed a bill ratifying the International Convention on the Protection of All Persons from Enforced Disappearance<sup>24</sup>. It is of importance in the light of ongoing pushbacks on the Polish-Belarusian border. The definition of enforced disappearance might not directly target pushbacks however, the practice of pushbacks indirectly contributes to disappearances through undocumented apprehensions, expulsions not compliant with *non-refoulement* principle, and the often reported destroying of migrants' resources and means of communication before returning them to Belarus. As a result, there may develop jurisprudence based on charges of violations of the Convention in the years ahead.

### *C. Displaced persons from Ukraine*

On 1 July this year, the amendment of Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that state came into force<sup>25</sup> (hereinafter: Act on Assistance). The new provisions include extension of temporary protection (hereinafter: TP) until 30 September 2025 and of the catalogue of persons entitled to benefit from this status. Revised Article 1 of this Act provides that the protection also extends to the non-citizen spouse and minor child of a Ukrainian citizen or his/her spouse.

The amendment introduced an obligation to provide a valid travel document in order to register as a beneficiary of PESEL UKR (national identification number and a derivative of TP status, which enables to access i.e. social assistance and healthcare system). Also those who have previously obtained their PESEL UKR on the basis of other documents must confirm their data by presenting a valid travel document. This solution was marked as highly problematic by the Polish ombudsperson, which stated

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<sup>22</sup> <https://hfhr.pl/upload/2024/12/disappearances-on-the-polish-belarusian-border-report-hfhr.pdf>

<sup>23</sup> <https://wearemonitoring.org.pl/wp-content/uploads/2024/12/Chce-zostac-w-Polsce-online.pdf>

<sup>24</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001559>

<sup>25</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240000854>





that the obligation may prove impossible to comply with especially for those from vulnerable groups or those coming from occupied territories<sup>26</sup>. The problem has been also exacerbated by the new law in Ukraine restricting access to consular services to Ukrainian men of conscription age<sup>27</sup>.

The amendment also introduced solution to facilitate the transition of beneficiaries of TP to temporary residence (valid for 3 years) under a special simplified procedure available to those who:

- Had PESEL UKR on 4 March 2024,
- Held PESEL UKR status on the date of application,
- Had uninterrupted status for at least 365 days.

Provisions on the simplified procedure have not yet entered into force, but the official communication of the Ministry of Interior is expected in that regard. In addition, until now, persons with PESEL UKR status could apply for a temporary residence permit only in relation to (-) work, (-) work in a high-skilled profession and (-) conducting business. After the change in regulations, it is also possible to obtain a permit in order to reunite with family or in connection with being a family member of a Polish citizen.

It is also important to highlight the rise in number of applications for international protection (refugee status and subsidiary protection) of Ukrainian nationals, which may be linked with the new conscription law in Ukraine but also seeking new and permanent paths for residence in Poland. To illustrate the change, the number of applicants from Ukraine were: in 2022 – 1.778<sup>28</sup>, 2023 – 1.771<sup>29</sup>, by the end of September 2024 – 4.500<sup>30</sup>.

#### *D. Polish-Ukrainian border*

On 4 April 2024, The European Court of Human Rights issued a judgment in the joined cases of *Sherov and Others v. Poland* (application no. 54029/17 and other)<sup>31</sup>. The complainants were citizens of Tajikistan who had appeared a dozen times at border crossings between Poland and Ukraine declaring to Polish Border Guard officers their intention to apply for international protection. They consistently refused to accept applications from them, even in the presence of a lawyer, sending them back to Ukraine. The ECHR found that there was therefore a violation of Article 3 of the European Convention for the Protection of Human Rights, Article 4 of Protocol No. 4 to the Convention, and Article 13 of the Convention in conjunction with Article 3 and Article 4 of Protocol No. 4 thereto.

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<sup>26</sup> <https://bip.brpo.gov.pl/pl/content/rpo-ustawa-pomocowa-obywatele-ukrainy-zmiana-mswia>

<sup>27</sup> <https://zakon.rada.gov.ua/laws/show/3633-20#Text>

<sup>28</sup> <https://www.gov.pl/web/udsc/zestawienia-roczne>

<sup>29</sup> *ibidem*

<sup>30</sup> approximately; <https://www.gov.pl/web/udsc/ochrona-miedzynarodowa-po-iii-kwartale-2024-r>

<sup>31</sup> [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-231867%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-231867%22]})





The new migration strategy of Poland provides for 'strengthening of the Polish-Ukrainian border', but at this point the details are unknown, and it is unclear what measures will be involved in practice. The strategy only indicates that it is intended to combat organized crime, and will include the modernization and development of border crossings.

## 2. Access to information and legal assistance (including counselling and representation)

### A. Polish-Belarusian border

In June 2024, the Ministry of Interior reintroduced a ban on staying in the so-called exclusion zone, that is, an area of territory about 200 meters wide near the border with Belarus<sup>32</sup>. It was further extended in September<sup>33</sup> and December<sup>34</sup> this year. The law does not provide for a special exemption to the ban for entities providing essential humanitarian assistance, authorized representatives of the media and organizations providing legal assistance. Instead, each entry into the zone is subject to the decision of the Border Guard Post or Branch Commander. Violations of the regulation's prohibitions are punishable by fines or even custody.

The implemented ban severely hampers the work of activists bringing aid to victims of the humanitarian crisis. The ban makes it more difficult for them to monitor compliance with the law by Border Guard officers and other formations operating in the border area, as well as to document abuses and human rights violations.

Polish civil society organizations, including HFHR, presented their negative opinions on the introduced ban<sup>35</sup> highlighting the issues of constitutionality of the regulation, its proportionality and purposefulness, as well as insufficient public consultation<sup>36</sup>.

Moreover in 2024, the issue of access of foreigners (not yet recognized as asylum-seekers) to their established legal proxies, was highlighted in the ombudsperson's submission letter to the Chief Commander of Border Guards<sup>37</sup>. The ombudsperson indicated that representatives of foreigners are not allowed to participate in

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<sup>32</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240000861>

<sup>33</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001345>

<sup>34</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001810>

<sup>35</sup> [Pismo organizacji społecznych ws. wprowadzenia tymczasowego zakazu wstępu na obszar przygraniczny | Helsińska Fundacja Praw Człowieka](#)

<sup>36</sup> [Negatywna opinia Zarządu HFPC o przedłużeniu zakazu przebywania w części strefy przygranicznej przy granicy z Białorusią | Helsińska Fundacja Praw Człowieka](#)

<sup>37</sup> [https://bip.brpo.gov.pl/sites/default/files/2024-09/Do\\_KGSG\\_cudzoziemcy\\_pelnomocnicy\\_pushbacki\\_9\\_09\\_2024.pdf](https://bip.brpo.gov.pl/sites/default/files/2024-09/Do_KGSG_cudzoziemcy_pelnomocnicy_pushbacki_9_09_2024.pdf)





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. This is of significant importance because foreigners crossing the border through Belarus who request assistance from NGOs are also provided by them with information on the asylum procedure and oftentimes, as a result, powers of attorney and written declarations of intent to apply for international protection are signed. The original documents are then handed over by the foreigners to the Border Guards, but the practice of frequent refusal to accept them often causes the representatives to send electronic copies to the authority and deliver the documents themselves to the Border Guard post. With the powers of attorney, they can demand participation in actions taken against the client, such as preventing pushback or challenging the authority's decisions to return the foreigner to the border. However, the malpractice of not allowing representatives to participate in proceedings and not delivering to them decisions or orders of the authority, results in the fact that ensuring the interests of the foreigner and his/her access to the appeal procedure in the case of pushback, is significantly limited.

HFHR also intervened in the case of a group of migrants, including 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>38</sup>.

**3. Provision of interpretation services** (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

Not always an interpreter is provided or does speak the relevant dialect. There have been cases where a foreigner, while submitting an application for international protection, was not provided with an interpreter and the Border Guard officer who registered the application translated the foreigner's statements using an online application<sup>39</sup>. In one of the cases, the Refugee Council, while processing the appeal filed by the attorney, acknowledged that the above issue was significant in this foreigner's case, as the first-instance authority had based its decision on findings of inconsistencies in the foreigner's testimony (including, in particular, the comparison of the foreigner's statements in the status application with the testimony given at the hearing) and finding the foreigner to be an unreliable party to the proceedings. There

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<sup>38</sup> <https://hfhr.pl/aktualnosci/hfpc-sklada-do-sadu-wnioski-w-sprawie-zapewnienia-bezpieczenstwa-migrujacych-rodzinom-i-osobom>

<sup>39</sup> <https://interwencjaprawna.pl/brak-tlumacza-postawa-do-uchylenia-negatywnej-decyzji-ws-ochrony-miedzynarodowej/>





are also situations where a foreigner receives a decision without translation or in a wrong language.

Another important challenge is the lack of translation of the court decisions ordering detention of the asylum-seekers. Courts ordering detention tend not to deliver translated copies of decisions to the detained asylum-seekers, not only preventing them from being effectively informed about the basis for their detention but also violating their right to an effective remedy. This year, there was issued an important ruling on translation of court letters and judgments to foreigners (Judgment of the Circuit Court in Białystok (Sąd Okręgowy w Białymstoku) of 4 September 2024, ref. no. VIII Kz 486/24). The case concerned the inadmissibility of a complaint filed by an asylum-seeker against a court order extending his detention. The complaint was deemed inadmissible on the grounds that the 7-day deadline had already passed, as according to the court of first instance, the time limit to file a complaint started to run even before the translated decision was delivered to the foreigner, since an interpreter was present during the hearing and orally translated the content of the ruling. The circuit court held that the oral translation of the content of the ruling does not exempt the court from providing a written version of the ruling in a language understandable by the foreigner, and it is only from the time of its delivery that the time limit for filing a complaint can be counted.

In the case of rare languages in Poland, there is also a problem with the availability of translators who can translate during international protection proceedings, which affects, among other things, the scheduling of status interviews of asylum-seekers.

- 4. Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

No further developments noted in 2024.

- 5. Special procedures** (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

The two procedures described in our previous input to the report<sup>40</sup>, that were introduced into the Polish legal order in 2021 in response to the crisis on the Polish-Belarusian border, are still in force and applied. The first procedure, on the basis of Border Regulation (the regulation is an act of a lower rank than Act on Protection) provides for returning a foreigner to the border line as an administrative action. This means that it is not preceded by any formal procedure and is not in writing. It is applied to foreigners who crossed the border in a place not intended for this purpose, regardless of whether they were apprehended directly while crossing the border or in

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<sup>40</sup> Part A point 5 of the input of HFHR for year 2023





a place distant from the border line. The second procedure, on the basis of the Act on Foreigners obliges to return a foreigner to the border line in a likewise conditions but an individual decision which can be appealed in 7 days, is issued. However, lodging an appeal does not have a suspensive effect thus the return takes place immediately after the decision is issued. Both procedures are applied arbitrarily, in identical factual situations.

**6. Reception of applicants for international protection** (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

*A. Displaced persons from Ukraine*

The amendment of the Act on Assistance introduced important changes in social and financial support system. The programme providing 40 PLN per person per day for persons providing free-of-charge private housing and food to TP beneficiaries, has been discontinued. Also, the childcare benefit (providing 800 PLN per child per month) and 'Good start' allowance (300 PLN received at the beginning of the school year) has been made conditional on the child being enrolled in the Polish education system. The one-time financial allowance of 300 PLN for PESEL UKR beneficiaries has been discontinued as well.

Due to the amendments in the Act on Assistance, the system of collective accommodation has been changed. Only one form of accommodation is continued, in facilities run on the orders of voivodes. The catalogue of situations in which this form of support is provided completely free of charge has also been reduced. Fees for adults has remained unchanged (mandatory after 120 days of arrival)<sup>41</sup>, but fee has been introduced for minors for whom parental allowance is not collected<sup>42</sup>. Exempted from the fees are persons who:

1. have a disability diagnosis (moderate and severe in the case of adults),
2. have completed 60 (women) or 65 (men) years of age,
3. are pregnant women or persons raising a child up to 12 months of age,
4. have single custody in the territory of the Republic of Poland of three or more children, provided that at least one of the children is under 14 years of age,

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<sup>41</sup> after 120 days from the date of first entry - in advance, 50% of the cost of this assistance, not more than PLN 40 per person per day, after 180 days from the date of first entry - in advance, 75% of the cost of this assistance, not more than PLN 60 per person per day

<sup>42</sup> 15 PLN per person per day





5. are minors in foster care or are minors for whom a parental allowance is not received,

6. have received permission from the locally competent voivode for exemption from participation in the cost of assistance due to their difficult life situation.

**7. Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

In total, in Poland there are six detention centers for foreigners [Lesznowola, Biała Podlaska, Kętrzyn, Przemyśl, Białystok, Krosno Odrzańskie (temporarily closed)]. From the information obtained from the Border Guard Headquarters for the period of 31 January to 27 May 2024, the number of foreigners in detention centers near the Polish-Belarusian border (Białystok and Biała Podlaska) were in sum:

January – 213  
February - 223  
March - 223  
April - 303  
May - 346

Unfortunately, the information on number and demography of foreigners detained in the centers is not published in open access sources thus we presented only the data that we were able to obtain in the procedure of access to public information.

In many cases detention is arbitrary, grounds prohibiting it are not thoroughly verified by the authorities. Detention continues to be used in a widespread manner, with minority of cases involving non-isolation measures<sup>43</sup>. Courts are reluctant to overturn decisions prolonging detention of foreigners with justifications of rulings on the subject often insufficiently analyzing the psychophysical condition of the foreigner, impact of asylum-seeker on the prolongation of the procedure and the possibility of applying non-isolation measures.

In 2024 we have observed a rise in the number of claims for compensation for unlawful detention. Civil society organisations providing legal help for asylum-seekers and refugees, including HFHR, informed about won cases and awarded damages – for example refugee from Iran (6 months in detention centers) was granted 50.000 PLN (around 11.000 EUR)<sup>44</sup>, family of five from Afghanistan (97 days) was granted 100.000

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<sup>43</sup> As of the beginning of January 2025, we don't have access to comprehensive data on the use detention and alternative measures, thus the statement derives from our observations and practice.

<sup>44</sup> 50 000 zł zadośćuczynienia za niesłuszny pobyt w strzeżonym ośrodku dla uchodźcy z Iraku - Stowarzyszenie Interwencji Prawnej





PLN (around 23.000 EUR)<sup>45</sup>, and refugee from Ethiopia (179 days) was granted 40.000 PLN (around 9.000 EUR)<sup>46</sup>. The courts' rulings in that regard have highlighted the issues of automatic detention in Poland and insufficient examination of the grounds for alternative measures.

On 8 October 2024 European Court of Human Rights communicated the case *M.A.E. v. Poland* (no. 7463/23)<sup>47</sup>. The applicant – Egyptian national placed in Polish detention center, complained that there was a violation of Article 3, 5 § 1 (f) and 5 § 4 of the Convention, namely that the material and medical conditions in the center were poor, his detention was unlawful and arbitrary, and his right to be heard was violated.

- 8. Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

The Head of the Office for Foreigners started informing asylum-seekers about the extension of their proceedings until up to 15 months, instead of the default time limit of 6 months for finishing the procedure for granting international protection.

- 9. Procedures at second instance** (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

No further developments noted in 2024.

- 10. Issues of statelessness in the context of asylum** (including identification and registration)

*A. Displaced persons from Ukraine*

The problem of statelessness among refugees arriving from Ukraine particularly affects the Roma minority, IDPs and those living in regions such as Crimea and parts of the Donetsk and Luhansk regions that were not controlled by Ukrainian authorities. However, there is no reliable data as to the number of stateless refugees among those who arrived in Poland after full-scale invasion on Ukraine.

As in previous years, one of the major recognized issues for stateless persons was accessing temporary protection due to lack of documents confirming identity and place

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<sup>45</sup> [100 tys. złotych zadośćuczynienia za niesłuszną detencję dla rodziny z Afganistanu - Stowarzyszenie Interwencji Prawnej](#)

<sup>46</sup> [Sąd przyznał 40 000 złotych odszkodowania dla mężczyzny z Etiopii za niesłusne umieszczenie go w SOC na 179 dni | Helsińska Fundacja Praw Człowieka](#)

<sup>47</sup> [M.A.E. v. POLAND](#)







of residency. This might be further exacerbated by the recently introduced obligation to provide valid travel document to obtain the status guaranteed in the Act on Assistance<sup>48</sup>.

**11. Children and applicants with special needs** (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

*A. Children from Ukraine*

The amended Act on Assistance introduced: (-) provisions regulating oversight of national authorities (regional family support centres) over children in Ukrainian foster care staying in Poland (covered by Ukrainian system and its law provisions); (-) psychological assistance and legal counselling to children and people remaining in foster care; (-) possibility for children who reach the age of majority and continue their education to remain in the foster care system. The last one addressed the issue previously highlighted by the ombudsperson, as children who reached the age of majority (18 years old) but continued their education were illegible to remain in the foster care system<sup>49</sup>. Since 1 July, it has become possible until reaching the age of 25 and if the person continues education or professional training. In addition, children with severe or moderate disabilities who have reached the age of 18 and want to continue to stay in the foster care or institution are allowed to stay there under certain conditions.

According to the data collected by UNICEF, 2.365 Ukrainian children have been evacuated to Poland since the beginning of the full-scale invasion in 2022 and as of 2024 approx. 900 of them remain in Poland<sup>50</sup>. This year, the issue of returns of children in Ukrainian foster care to Ukraine remained. According to the recent changes in Ukrainian law<sup>51</sup>, conducting an individual needs assessment before a child can return to Ukraine is obligatory. Between 6 September and 13 September 2024, individual assessments covering 270 children were conducted by Ukrainian authorities with the presence of Polish representatives as well. However, concerns were raised that the assessments were rushed and not thoroughly made, and that the procedure itself was not tailored to the specific needs of children.

*B. Age assessment of minor asylum-seekers*

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<sup>48</sup> [Problemy bezpieczeństwa - uchodźców z Ukrainy. Odpowiedź Szefa Urzędu ds. Cudzoziemców](#)

<sup>49</sup> <https://bip.brpo.gov.pl/pl/content/rpo-dzieci-ukraina-pieczka-zastepcza-pelnoletnosc-mrpi>

<sup>50</sup> <https://data.unhcr.org/en/documents/details/111475> [access: 02.01.2025]

<sup>51</sup> <https://www.kmu.gov.ua/npas/pro-vnesennia-zmin-do-poriadku-tymchasovoho-peremishchennia-evaku-a1026>





The age assessment procedure is present in two legal acts: Act on Foreigners (2013) and Act on Protection (2003). It is never clear which Act (on Foreigners or on Protection) the age assessment is being carried out under, as there is no formal decision provided or any formal referral for medical examination. An assessment is conducted by doctors based on an informal request made by the Border Guard unit that happened to apprehend an unaccompanied minor.

It may also happen that regardless of the results of the of the examination ordered by the Border Guard, in case of doubt also the Head of the Office for Foreigners (1<sup>st</sup> instance authority) will examine the age of the foreigner for the purposes of an ongoing proceeding.

The most prevalent method used to assess the age of a foreigner is continuously a dental or medical examination using the Greulich-Pyle method criticized by many scientific communities. These methods do not consider racial, cultural or economical differences between people. Most often, the examination result only indicates that the person is over 18 years of age and additionally there is no indication of the examination's margin of error (despite the fact that it is required by Polish law), which, as is known, can be up to several years. At the same time the Border Guards do not request additional psychological opinion or examination based on a psychosocial development of a person.

It repeatedly happens that a minor is referred to a medical examination for age assessment, despite having uncontested evidence (documents or copies of documents) from which his minority is evident. Practice shows that, as a rule, the only evidence acceptable to the Border Guard to establish age is a valid passport. As a result, minors are placed in detention centers or reception centers for adults.

There is no presumption of minority, therefore a legal guardian is not appointed until the age assessment declares that a person is a minor. Also, the applicants are not informed about their rights during the process. While establishing an identity of a person, Border Guard officers assess the declarations of a foreigner selectively: they register all personal data except the date of birth, which they presume to be invalid if it does not follow from a valid travel document.

There is no formal decision on the age assessment, nor an appeal procedure. From the moment of the outcome of an examination, the applicants who were assessed to be over 18 are treated as adults. There is no obligatory representation of a lawyer. The Border Guard units come up with a fictional date of birth which would correspond to the applicant being over 18 (in 2024 usually it would be 1 January 2006). The date of birth declared by the applicant themselves is not included in any documents considered by the court or authorities.





The first and second instance courts which decide on detention, in general, also ignore a provided copy of a birth certificate or a travel document; they treat the medical examination result as a binding document.

According to the Polish law, unaccompanied children who seek asylum cannot be placed in detention. However, children accompanied by their families can be detained.

### *C. Other groups with special needs*

According to the Act on Foreigners and Act on Protection, a decision to place a foreigner in a detention centre for foreigners is not issued if: 1) it could cause a danger to the life or health of the foreigner; 2) the foreigner's psychophysical condition may justify a presumption that the foreigner has been subjected to violence. As a result, the Border Guard should verify in advance whether any of these conditions apply to an individual. Unfortunately, often that obligation is not met and foreigners are detained despite their condition and traumatic experiences<sup>52</sup>.

In one case the Refugee Council upheld the appeal and granted the foreigner subsidiary protection, stating that the new circumstances that justified the proceedings stemmed from a psychological opinion, which confirmed the applicant's statements and indicated that past experiences had an impact on her current mental state. If the applicant had been provided with a psychologist right from the start of the procedure, she would have been granted protection in the first instance.

## **12. Content of protection** (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

In 2021, two integration centres for foreigners (Centra Integracji Cudzoziemców - CIC) were established with The Asylum, Migration and Integration Fund, a European Union financial mechanism established for the period of 2021-2027<sup>53</sup>. The Ministry of Family, Labour and Social Policy has requested the creation of 49 new centres<sup>54</sup>. The centers

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<sup>52</sup> <https://interwencjaprawna.pl/cudzoziemiec-po-doswiadczeniu-przemocy-zwolniony-przez-sad-ze-strzezonego-osrodka/>

<sup>53</sup> Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021

<sup>54</sup> [https://migrant-integration.ec.europa.eu/news/poland-new-integration-centres-established-nationwide\\_en](https://migrant-integration.ec.europa.eu/news/poland-new-integration-centres-established-nationwide_en)  
[https://wupzielonagora.praca.gov.pl/informacja-o-projekcie-cic/?p\\_auth=nKaI8bSe&p\\_p\\_id=101\\_INSTANCE\\_YWHPFW4KEFj8&p\\_p\\_lifecycle=1&p\\_p\\_state=exclusive&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-1&p\\_p\\_col\\_count=1&\\_101\\_INSTANCE\\_YWHPFW4KEFj8\\_struts.action=%2Fasset\\_publisher%2Fexport\\_journal\\_article&\\_101\\_INSTANCE\\_YWHPFW4KEFj8\\_groupId=148998&\\_101\\_INSTANCE\\_YWHPFW4KEFj8\\_articleId=23684847&\\_101\\_INSTANCE\\_YWHPFW4KEFj8\\_targetExtension=pdf](https://wupzielonagora.praca.gov.pl/informacja-o-projekcie-cic/?p_auth=nKaI8bSe&p_p_id=101_INSTANCE_YWHPFW4KEFj8&p_p_lifecycle=1&p_p_state=exclusive&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_YWHPFW4KEFj8_struts.action=%2Fasset_publisher%2Fexport_journal_article&_101_INSTANCE_YWHPFW4KEFj8_groupId=148998&_101_INSTANCE_YWHPFW4KEFj8_articleId=23684847&_101_INSTANCE_YWHPFW4KEFj8_targetExtension=pdf)





will be created systematically, depending on the tenders<sup>55</sup>. The Ministry announced that centres 'will provide standardised services for newly arrived migrants and will serve as a platform for cooperation between local authorities, the government and NGO's'. The centers will operate as one-stop shops providing complex and standardised services to migrants. The centres will be set up by the local provincial-level governments (or the marshal offices), in cooperation with other institutions working with migrants in the respective localities.

All CICs are obliged to offer the following services:

- Polish language courses at levels A1/A2
- information and advisory points
- psychological care for children
- support for legalisation of stay
- legal assistance regarding employment and labour rights
- human trafficking and domestic violence prevention

CICs may also provide additional services, such as language courses at the B1 and B2 levels, psychological support for adults, excursions for foreign children, informational campaigns, translations, remedial classes for children, or support from a personal assistant in offices, schools, medical centres, and so on.

The operation of CICs is also addressed in the migration strategy for 2025-30, which indicates that the centers are being established in 49 regions of Poland and are mainly aimed at citizens of Ukraine and Belarus who are residing in Poland.

### 13. Return of former applicants for international protection

In case of a return procedure, lack of access to classified documents significantly restricts the right to defence. Sometimes the Border Guard issues a decision on the obligation to return on the basis of a letter from the Head of the Internal Security

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<https://www.gov.pl/web/dfe-mswia/fami0201-iz00-00424---tworzenie-centrow-integracji-cudzoziemcow-cic-na-obszarze-polski>

<https://www.infor.pl/prawo/nawosci-prawne/6737746.strategia-migracyjna-powstanie-49-centrow-integracji-cudzoziemcow-sa.html>

[https://www.rdc.pl/aktualnosci/mazowsze/centrum-integracji-cudzoziemcow-mazowieckie-mosty-miedzykulturowe\\_sPbpdolMIco6xNhJgB9l](https://www.rdc.pl/aktualnosci/mazowsze/centrum-integracji-cudzoziemcow-mazowieckie-mosty-miedzykulturowe_sPbpdolMIco6xNhJgB9l)

<https://rops.poznan.pl/projekty/realizowane-w-ramach-programu-krajowego-funduszu-azyly-migracji-i-integracji-budowanie-struktur-dla-integracji-w-polsce-etap-ii-pilotaz-centrow-integracji-cudzoziemcow/budowanie-struktur-dla-integracji-cudzoziemcow-w-polsce-etap-ii-pilotaz-centro>  
<sup>55</sup> <https://www.portalsamorzadowy.pl/polityka-i-spoleczenstwo/powstanie-49-centrow-integracji-cudzoziemcow-beda-podlegac-marszalkom-wojewodztw,583648.html>





Agency (Agencja Bezpieczeństwa Wewnętrznego) classified as 'secret', which indicates that it was required for reasons of defence or state security or the protection of public security and order or the interests of Poland. In one of the rulings, the Voivodship Administrative Court upheld the foreigner's claims that his right to defence had been restricted in the above facts (ref. no. IV SA/Wa 908/24)<sup>56</sup>. The court pointed out that the possibility to defend oneself is 'significantly limited when the facts on which the assertion of the application of specific legal provisions is based are not known'. The court emphasised the importance of the principle of being heard, which, however, cannot be realised when the evidence in question is not known to the party therefore it cannot comment on it. The court also referred to the case law of the European Court of Human Rights on substantive procedural guarantees: the cases of Muhammad and Muhammad v. Romania (no. 80982/12), Regner v. Czech Republic (no. 35289/11) and Poklikayew v. Poland (no. 1103/16).

Moreover, a similar situation applies to those who seek international protection. They are also refused asylum on the basis of secret documents. Consequently, foreigners cannot appeal court's decision due to lack of information on which court based its ruling.

**14. Resettlement and humanitarian admission programmes** (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

Poland does not participate in such programmes.

**15. National jurisprudence on international protection in 2024** (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

Judgment of the Voivodship Administrative Court in Warsaw (Wojewódzki Sąd Administracyjny w Warszawie) of 14 June 2024, ref. no. IV SA/Wa 349/24

The Court held that notes from authorities such as the Internal Security Agency (ABW) or a foreigner's previous entry on a list of persons whose stay on the territory of the Republic of Poland is undesirable are not sufficient to conclude that a person poses a threat to state security. This is a very important judgment, questioning the practice of the Head of the Office for Foreigners and the Refugee Council, which as a rule uncritically accept the opinions of the Internal Security Agency and other agencies that a foreigner is a threat, without analysing the case themselves. The foreigner himself, on the other hand, cannot challenge the content of the documents, as they are

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<sup>56</sup> Judgement of the Voivodeship Administrative Court in Warsaw, 17 July 2024, ref. no. IV SA/Wa 908/24; <https://interwencjaprawna.pl/wsa-brak-dostepu-tajnych-dokumentow-istotnie-ogranicza-prawo-do-obrony/>





classified and are not made available to the parties along with the other documents in the case<sup>57</sup>.

Judgment of the Circuit Court in Warsaw (Sąd Okręgowy w Warszawie) of 14 October 2024, ref. no. VIII Ko 160/23

The Circuit Court of Warsaw has granted an Ethiopian citizen the sum of PLN 40,000 in compensation for wrongfully placing him in detention centers for foreigners for 179 days. The Warsaw Circuit Court found that the deprivation of liberty for the sole purpose of securing administrative proceedings was unjust, as there were no statutory prerequisites in his case, the Polish authorities had no grounds for claiming that he was planning to flee, and it was not necessary. The court stated that the deprivation of liberty of asylum-seekers should be used "with extreme delicacy and extraordinarily". The judgment is not final.

Judgment of the Voivodship Administrative Court in Warsaw (Wojewódzki Sąd Administracyjny w Warszawie) of 27 November 2024, ref. no. II SA/Wa 302/24

The Chief Commander of the Border Guard refused to provide the Helsinki Foundation for Human Rights with public information regarding the restriction of access to social media for foreigners in the guarded centres, which the Commander justified on the grounds of state security. The court overturned the decision challenged by the HFHR. The Court admitted that the Border Guard's assertions were not duly substantiated, thereby violating Articles 11 and 107 § 1 and 3 of the Code of Administrative Procedure. The Court also looked at the content of the information that the Border Guard refused to make available to the Foundation and concluded that it did not contain information justifying the refusal.

Judgment of the Court of Appeal in Białystok of 6 December 2024, ref. No. II AKa 138/24 - the Court has granted the foreigner the sum of PLN 20,000 in compensation for wrongfully placing him in detention centers for foreigners for 4 months

Judgment of the Court of Appeal in Białystok of 9 December 2024, ref. No. II AKa 139/24 - the Court has granted the foreigner and her child the sum of PLN 30,000 for each other in compensation for wrongfully placing them in detention

## 16. Other important developments in 2024

On 31 August 2024, laws amending certain acts to improve the activities of the Armed Forces of the Republic of Poland, the Police and the Border Guard in case of a threat to state security, came into force<sup>58</sup>. The passed law is important from the perspective of the situation on the Polish-Belarusian border as it contains, among other things, solutions that exempt from criminal liability officers and soldiers who exceeded their

<sup>57</sup> <https://interwencjaprawna.pl/wsa-brak-dostepu-tajnych-dokumentow-istotnie-ogranicza-prawo-do-obrony/>

<sup>58</sup> <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001248>





authority by using means of direct coercion or firearms in response to threats to life or health, and introduction of the possibility for the Armed Forces to conduct a military operation in peacetime. The changes are related to the incident leading to the death of a Polish soldier at the border, which prompted the rapid implementation of changes to increase the safety of officers and soldiers.

In 2024, there were two further rulings by Polish courts on the prohibition of criminalizing provision of humanitarian aid on the Polish-Belarusian border<sup>59</sup>. Both cases concerned violations by activists of the ban on entering the border road lane. The Circuit Court in Białystok further emphasized that: 'The defendants were motivated by compassion and a determination to help other people in difficult life-threatening conditions. Therefore, there is no doubt that the defendants saved the health and lives of foreigners by their actions.' (Judgement of the Circuit Court in Białystok, 20 May 2024, ref. no. VIII Ka 131/24). In addition, at the end of 2023, three courts acquitted 9 activists also accused of violating the ban on entering the border road lane. There were also cases of expulsion from the territory of Poland of activists who are EU citizens and who provided humanitarian assistance on the Polish-Belarusian border. In case of a German citizen, the second instance authority decided that the measure applied by the Border Guard was disproportionate as the qualification of the activist's action as "sufficiently serious" and characterized by significant public harmfulness that would justify her expulsion from Poland as an EU citizen was incorrect<sup>60</sup>.

## Part B: Publications

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1. If available online, please provide links to relevant publications produced by your organisation in 2024:
  1. <https://hfhr.pl/aktualnosci/nie-dla-ustawy-zawieszajacej-prawo-do-azylu-negatywna-opinia-hfpc>
  2. <https://hfhr.pl/upload/2024/12/disappearances-on-the-polish-belarusian-border-report-hfhr.pdf>
  3. <https://hfhr.pl/upload/2024/03/metody-oceny-wieku-chronologicznego.pdf>
  4. <https://hfhr.pl/aktualnosci/komentarz-hfpc-polityka-migracyjna>
  5. <https://hfhr.pl/upload/2024/11/rekomendacje-do-paktu.pdf>
  6. <https://hfhr.pl/aktualnosci/negatywna-opinia-zarzadu-hfpc-o-przedluzeniu-zakazu-przebywania-w-czesci-strefy-przygranicznej>
  7. <https://hfhr.pl/aktualnosci/naduzycie-przeslanki-bezpieczenstwa-panstwa-informacja-publiczna>

2. If not available online, please share your publications with us at:

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<sup>59</sup> <https://hfhr.pl/aktualnosci/wazny-wyrok-so-ws-pomocy-humanitarnej>

<sup>60</sup> <https://hfhr.pl/aktualnosci/uchylona-decyzja-o-wydaleniu-z-polski-obywatelki-ue-niosacej-pomoc-humanitarna-na-granicy>





[Asylum.Report@euaa.europa.eu](mailto:Asylum.Report@euaa.europa.eu)

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	<b>Title of publication</b>	<b>Name of author</b>	<b>Publisher</b>	<b>Date</b>
1				
2				
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