



Input by civil society organisations to the Asylum Report 2026

Dear Colleagues,

The production of the *Asylum Report 2026* 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 2025 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 2025 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: Similarly to last year, this year's edition of the Asylum Report will be leaner and more analytical, 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. It will also feature prominently as info boxes in the [country overviews](#).

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2026 by **Friday, 9 January 2026**.*





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

General Observations

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 significant changes occurred in the area of access to the asylum procedure, as throughout virtually the entire year of 2025 (starting from 27 March 2025), regulations suspending the right to apply for international protection were in force in Poland. Over the course of the year, the practice of applying the regulations evolved to cover virtually the entire territory and to limit the possibility of applying for protection to foreigners who crossed the Polish-Belarusian border. Significant changes also affected the conditions of stay for Ukrainian citizens in Poland, as there were changes in the assistance provided, including medical care and social benefits. In 2026, further changes in the law concerning Ukrainians in Poland will be noticeable. With regard to detention, last year saw overcrowding in centres and an automatic approach by the courts to ordering placement or extension of stay in a guarded centre. Also significant in 2025 were the issues of inadequate procedures to protect foreign children and the abolition of the list of countries to which deportations are not carried out.

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

There have been minor or no developments in the areas of access to information and legal representation, the provision of translation services, Dublin and other specific procedures, second instance procedures, and statelessness issues.





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?**

In Poland, the issue of implementing the Pact is discussed solely in terms of relocation and solidarity solutions. There are no consultations with the civil society on the legal instruments that are to come into force under the Pact. Nor is the implementation plan publicly available. In October, the government announced that it had received approval to exempt Poland from the migrant relocation mechanism, which was hailed as a great success¹. The introduction of the suspension of the right to apply for asylum as a tool to respond to the instrumentalisation of migration by Belarus is also contrary to Regulation 2024/1359², which stipulates the need to respect the right to asylum and does not allow Member States to suspend the registration of applications.

PART A: Contributions by topic

Please share **your reporting on developments in asylum law, policies or practices in 2025 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2025 and new or remaining challenges;
- ✓ Changes in legislation, policies or practices, or institutional changes during 2025.

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. Polish-Belarusian border

In the previous input to the report, our organisation presented information about the adopted draft law amending the Act on Protection and introducing a temporary restriction of the right to apply for asylum on Polish-Belarusian border. The provisions presented therein concerning the circumstances justifying the use of this mechanism and the exceptions remain unchanged.

The amendments were introduced on the level of an act and on 27 March 2025 the Council of Ministers adopted a regulation enabling the use of the solutions provided for in the Act on Protection (Articles 33a, 33b and 33c) and thus introducing a temporary restriction on the right to asylum for a period of 60 days at the border with Belarus³ (hereinafter: the Suspension Regulation). The current legislation poses many issues regarding its compliance with national, European and international law, its temporary character, and geographical scope. As of the date of this

¹ The Ministry of Internal Affairs and Administration, [Minister Marcin Kierwiński in Luxembourg: Poland exempt from migrant relocation for many years](#), 14.10.2025.

² [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](#)

³ Regulation of the Council of Ministers of 27 March 2025 on the temporary restriction of the right to apply for international protection (Journal of Laws, item 390).





submission, the period of its validity has already been extended four times and it remains in force, with the current deadline set for 20 January 2026 (a total of 300 days)⁴.

In the Suspension Regulation, its territorial scope is defined as ‘at the border with Belarus’ what has posed a fundamental difficulty in the application of the regulation. According to the Act of 12 October 1990 on the protection of the state border (i.e. Journal of Laws of 2025, item 184), which is the only legal act in the Polish legal system, where the definition of the term ‘state border’ can be found, the state border is: ‘[...] the vertical surface passing through the border line separating the territory of the Polish state from the territories of other states and from the open sea. The state border also demarcates airspace, waters and the interior of the earth’. This means that the concept of a border is narrow and the regulation should only be applied within its scope. What followed was the introduction by the authorities of a broad interpretation of the term ‘border’, which means that – at the time of submitting this report – applications for international protection are not registered in any case where the authorities have information that an asylum-seeker has entered Poland via the border with Belarus – regardless of where in the territory of Poland they attempt to lodge the application. Therefore, also foreigners detained at the Guarded Centres for Foreigners are denied the right to apply for asylum, and as a result face the immediate risk of deportation.

The interpretation of the term ‘border’ as applied in practice by the authorities was confirmed in the statement of the Undersecretary of State in the Ministry of the Interior and Administration, in which he indicated that: ‘the application of a temporary restriction on the right to apply for international protection, in a manner that allows persons illegally crossing the section of the state border where instrumentalization occurs to be exempted from this restriction immediately after crossing it, would be insufficient from the point of view of achieving the basic objectives of this restriction, which are the protection of internal security and public order’⁵. This means that the suspension of the right to asylum has changed its nature from a territorial restriction to a personal restriction, because in practice the authorities apply it to all foreigners who have crossed the Polish-Belarusian border, rather than to foreigners who, while at the border, express their willingness to apply for international protection. This problem was highlighted, among others, by the Ombudsman and the Ombudsperson for Children in a joint statement to the Prime Minister⁶ and in individual statements issued by the Ombudsman⁷. The authorities claim that until Belarus ceases its actions to exploit migration, it is necessary to maintain the restrictions that have been introduced, as the priority is to ensure the protection of internal security and public order in the country⁸.

⁴ [Regulation of the Council of Ministers of 18 November 2025 on the extension of the temporary restriction on the right to apply for international protection, Journal of Laws 2025, Item 1581.](#)

⁵ [Response of the Undersecretary of State in the Ministry of the Interior and Administration to the joint statement of the Ombudsman and the Ombudsperson for Children of August 28, 2025.](#)

⁶ [Joint statement by the Ombudsman and the Children's Ombudsman to the Prime Minister on the situation on the Polish-Belarusian border, 05.08.2025.](#)

⁷ [Opinion of the Ombudsman on the suspension of registering applications for international protection, 28.10.2025.](#)

⁸ *ibidem*





This practice of authorities is confirmed by the findings of civil society organisations⁹. Based on confirmed reports from foreigners, the Border Guard refuses to register applications for international protection from foreigners who have crossed the Polish-Belarusian border, even when they are hundreds of kilometers away from the border, e.g. in Warsaw or Szczecin, and try to submit their applications to the relevant Border Guard units. HFHR has noted during its visits to the Guarded Center in Bialystok that the foreigners (in the 2nd and 3rd quarters of 2025 mostly nationals of Afghanistan and Pakistan) are denied the possibility to apply for asylum. Even though they attempt lodging written declarations with the administration of the detention center, they are informed that due to the suspension of the right to asylum, the applications cannot be registered.

Moreover, the issuance of deportation decisions rose drastically as a consequence of the suspension of the right to lodge asylum applications – according to information from the Border Guard obtained by *Gazeta Wyborcza*, in 2025, 287 decisions on the obligation to return were issued against Afghan citizens, 90 of which were in July and 125 in August. For comparison, in the whole of 2024, 47 decisions were issued against Afghans¹⁰. This is especially problematic as no deportation proceedings should be initiated, and such should be suspended if proceedings to grant a foreigner international protection are initiated¹¹ – not to mention, the obligatory consideration of issuing a residence permit for humanitarian reasons or a tolerated stay¹².

On 4 November 2025 (minutes before planned departure from Warsaw-Radom airport) the European Border and Coast Guard Agency has decided to cancel the Polish-German joint return operation to Pakistan because Poland has denied the returnees access to asylum¹³. Pakistani citizens were brought to the airport from various Polish detention centers where they have spent couple of months awaiting forced return – many of them had the evidence of sending their declarations in the electronic way to the proper commanders of the Polish Border Guard.

Regarding the refusal to register applications for international protection, the HFHR lodged three complaints with the Voivodeship Administrative Court, pointing to numerous violations of national, EU and international law in individual cases. In all of these cases, the court deemed the complaints unfounded and dismissed them¹⁴. The organisation lodged cassation appeals with the court of highest instance which remain pending to date. The court held that the legislator may restrict *non-refoulement* principle where a foreigner “voluntarily becomes part of an organised group” violating

⁹ The Association for Legal Intervention, [Poland refuses to accept asylum applications throughout the country – we intervene](#), 22.09.2025.

¹⁰ *Gazeta Wyborcza*, [Poland is deporting Afghans despite the threat of persecution](#), 16.11.2025.

¹¹ Article 303 (4) and Article 305 (1) of the Act of 12 December 2013 on foreigners (i.e. Journal of Laws of 2025, item 1079, as amended; hereinafter: Act on Foreigners).

¹² Articles 348 and 351 of the Act on Foreigners.

¹³ This happened as a result of a complaint filed by the Rule of Law Institute, see a detailed explanation of what happened here: „[Frontex v. Poland. Has the EU stopped funding unlawful deportations from Poland?](#)”, Tomasz Sieniow, 12.11.2025.

¹⁴ Judgement of the Voivodeship Administrative Court in Bialystok dated 07.10.2025, no. II SA/Bk 1221/25, Judgement of the Voivodeship Administrative Court in Bialystok dated 23.10.2025, no. II SA/Bk 1284/25, Judgement of the Voivodeship Administrative Court in Bialystok dated 20.11.2025, no. II SA/Bk 1285/25.





border law, and that conduct perceived as abusive or contrary to the purpose of international protection does not merit protection. The court argued that such behaviour constitutes an abuse of rights incompatible with the rule of law and that *non-refoulement* applies only to those acting in good faith. Furthermore, the court pointed out that despite the contradiction between the provisions suspending the right to seek asylum in Poland and the EU directive, they remain consistent with the general principles of law, which justifies their application. This represents a change in the position of the court in Białystok compared to previous case law, according to which the principle of *non-refoulement* applies without exception and the practice of pushbacks is unlawful.

Regarding the principle of *non-refoulement* it cannot be considered as respected by the Polish authorities due to lack of real and individual assessment of situation of asylum-seekers pushed back to Belarus. The Border Guard does not conduct any procedure or examination considering the fear of persecution or ill-treatment, the only general evaluation concerns age and health status. The issue of compliance with the *non-refoulement* principle covers also interim measures granted by the ECHR (Rule 39). The Ombudsman addressed the Chief Commander of the Border Guard, regarding Poland's failure to implement interim measures granted to asylum-seekers by ECHR, especially considering the persons arriving at the border crossing in Terespol (Polish-Belarusian border). The Border Guard expressed the view that the measures granted may only be applied once a person has passed through passport control and has been formally admitted to the territory of the Republic of Poland. The Chief Commander of the Border Guard stated that cases of refusal of entry and return to Belarus at the border crossing point were mostly caused by situations where, in accordance with the applicable provisions, the foreigner could not be defined as a person who should be allowed to enter, while Poland had not received information at that time about the fact that the interim measure ordered by the ECHR¹⁵. Non-governmental organisations also referred to cases they had encountered in practice. The Association for Legal Intervention reported that on 15 April 2025, the ECHR issued an interim measure in favour of two refugees whom the organisation had been assisting legally – a citizen of the Democratic Republic of Congo and a citizen of Somalia (case no. 11258/25). The ECHR ordered Poland to allow the refugees to remain on Polish territory until 12 May 2025. Despite the interim measure, the refugees were pushed back to Belarus¹⁶. According to the information shared by the Border Guard Headquarters since the introduction on 27 March 2025 of the so-called suspension of the right to seek international protection at the Polish-Belarusian border until 12 August 2025, the ECtHR has issued 84 interim measures against Poland, covering 102 persons¹⁷.

The humanitarian crisis on the Polish-Belarusian border is ongoing and most of the information presented in last year's report remains relevant. The situation on the border has been continuously used for political purposes and anti-migrant rhetoric. According to statistics provided by the Prime Minister, in the period from 27 March 2025 (i.e. from the introduction of the Suspension Regulation) to 26 October 2025 applications from 301 foreigners were not registered, while applications from

¹⁵ The Ombudsman, [Failure to implement interim measures of the ECHR regarding migrants](#), 03.06.2025.

¹⁶ The Association for Legal Intervention, [Poland did not comply with the decision of the Strasbourg Court and sent the refugees back to Belarus](#), 18.04.2025.

¹⁷ Data received from Chief Commander of Border Guard as a response to request for public information [13.08.2025] no. KG-OI-VIII.0180.165.2025.





only 66 foreigners from so-called vulnerable groups were registered. In the corresponding period of 2024, i.e. from 27 March to 26 October 2024, 2,458 applications for international protection in the territory of the Republic of Poland were submitted at the border with Belarus, covering 2,751 persons¹⁸.

Physical violence experienced by migrants at the hands of Polish and Belarusian uniformed services is highlighted in monthly reports prepared by the organisation We Are Monitoring. Migrants report that during pushbacks from Polish territory, the Border Guard uses violence. They have described cases of beatings, the use of irritants by officers, and detention in the cold or in unheated rooms after being forced to remove their clothing¹⁹. HFHR represents a client who, after experiencing torture and harsh conditions in Belarus and at the border, had to be hospitalised in Poland for approximately three weeks.

B. Displaced persons from Ukraine

In September 2025, an amendment to the law on the conditions of stay of Ukrainian citizens in Poland came into force²⁰. The Act extends the legal stay of Ukrainians in Poland until 4 March 2026 (related to the so-called UKR status indicating benefiting from temporary protection) and introduces a number of changes, such as the inability to obtain UKR status in the case of arrival from another EU country where the person enjoyed temporary protection, as well as in the case of re-entry from the territory of Ukraine (if the status has been withdrawn).

The solutions described in the previous report concerning the introduction of a simplified temporary residence permit for Ukrainian citizens (the so-called CUKR status) will be operational in 2026. The President of the Republic of Poland officially signed a relevant act on 12 December 2025. As a result, next year, Ukrainian citizens with a PESEL UKR number will be able to obtain a the CUKR status - residence card valid for three years²¹. The government emphasizes that the launch will take place in stages. The issuance of a CUKR card will be possible upon the fulfilment of certain specified conditions: (-) being a Ukrainian citizen or a family member of a Ukrainian citizen (e.g., a spouse); (-) having residence permit on the basis of temporary protection; (-) as of 4 June, the person holds UKR status; (-) to hold UKR status on the date of submitting the application for the issuance of the CUKR residence card, (-) the person has had UKR status for at least 365 days. A child who has arrived from the territory of Ukraine will be eligible to obtain a residence card if the above-mentioned conditions are met, the application shall be submitted by the parent or legal guardian. Child who was born in Poland will also be eligible to obtain a CUKR residence card, provided that the child's mother entered Poland lawfully from the territory of Ukraine after 24 February 2022 due to the hostilities, and all of the following conditions are fulfilled: (-) the child has residence permit

¹⁸ [Motion of the Council of Ministers for the Sejm of the Republic of Poland to grant consent to extend the temporary restriction on the right to submit an application for international protection at the state border with the Republic of Belarus](#), 04.11.2025.

¹⁹ We Are Monitoring [We Are Monitoring Raport Luty 2025](#), We Are Monitoring [Raport Październik 2025](#).

²⁰ [Act of 12 September 2025 amending certain acts to verify the right to family benefits for foreigners and the conditions for providing assistance to Ukrainian citizens in connection with the armed conflict in that country](#), [Journal of Laws 2025, item 1301](#).

²¹ [Act of 21 November 2025 amending the Act on Foreigners and certain other acts](#), [Journal of Laws 2025, no. 1794](#).





in Poland on the basis of temporary protection; (-) on the date of submitting the application, the child holds UKR status; (-) the child's mother holds a CUKR residence card. The CUKR residence card will provide full access to the labour market (no additional work permit will be required) and will allow the holder to conduct business activity under the same rules as Polish citizens. The CUKR card, together with a valid travel document, will entitle the holder to travel within the Schengen area for up to 90 days within any 180-day period. The period of stay in Poland on the basis of the CUKR residence card will be counted towards the period required to obtain an EU long-term resident permit. By receiving the CUKR card, the applicant automatically loses the UKR status. This is especially important for those who receive payments or assistance tied to UKR status. However, most standard support programs (including 800+) remain available if the family meets the conditions. Leaving Poland for a period exceeding 6 months results in the loss of the CUKR residence permit.

At the end of December 2025, the government presented a draft law phasing out the special law on Ukrainian citizens and transferring some of its provisions to the Act on Protection. The Ombudsman²² and, among others, the HFHR²³ presented opinions pointing to a potential conflict between the provisions and Directive 2001/55/EC in areas such as the deprivation of temporary protection for foreigners if they fail to register within the prescribed time limit.

In March 2025, the Office for Foreigners (the first instance authority examining applications for international protection) issued a statement in connection with the large number of applications for international protection submitted in Poland by Ukrainian citizens despite their temporary protection status. The statement indicated that fear of mobilisation and fulfilment of other civic duties does not, as a rule, constitute grounds for granting international protection. Therefore, all Ukrainian citizens applying for international protection will be interviewed by the Office for Foreigners and will be required to provide detailed reasons for their application. The authority stated that the vast majority of applicants cite fears arising from the same circumstances for which solutions providing them with adequate protection and assistance have already been introduced, and therefore these applications should be regarded as not serving the purpose of ensuring the protection of the applicants²⁴. Statistics provided by the Office for Foreigners show that in the first half of 2025 there were 5,049 Ukrainians applying for international protection and in that period the authorities granted 6 refugee statuses, 1504 subsidiary protection statuses and issued 527 negative decisions²⁵. The Office also provided rounded statistics summarising the first three quarters of 2025, which show that in the case of Ukrainian citizens: (-) 6,200 people applied for international protection, (-) 1,500 people received some form of international protection, (-) 1,400

²² The Ombudsman, [Opinia RPO do projektu ustawy o wygaszeniu rozwiązań wynikających z ustawy o pomocy obywatelom Ukrainy](#), 07.01.2026

²³ Helsinki Foundation For Human Rights, [Opinia HFPC dotycząca tzw. Ustawy wygaszającej pakiet pomocy uchodźcom z Ukrainy](#), 02.01.2026

²⁴ Office for Foreigners, [International protection proceedings concerning Ukrainian citizens](#), 10.03.2025.

²⁵ Office for Foreigners, Statistics on proceedings conducted against foreigners in the first half of 2025, available here: <https://www.gov.pl/web/udsc/zestawienia-roczne>





people received a negative decision²⁶. There was therefore a clear increase in negative decisions issued in the third quarter of 2025.

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

Information provided in the previous reporting period remains relevant, including access of humanitarian aid providers and lawyers/representatives to foreigners present or apprehended in the border zone. In this light it is important to mention that throughout 2025, the buffer zone on the Polish-Belarusian border remained in force. The latest regulation extends this solution until 4 March 2026 and covers a 78 km section of the border²⁷.

Helsinki Foundation for Human Rights has a long practice of visiting the detention center in Białystok to provide free legal assistance. The dates of visits are communicated in advance and permission is granted for the Foundation's staff to visit the centre. However, the reoccurring problem is that counselling takes place in a separate building within the centre, where foreigners are taken at their request. A recent visit with UNHCR representatives to the residential part of the center revealed that the demand is higher than expected and that people who urgently and genuinely need consultation are unaware of the possibility of using it and the role played by lawyers. Following the visit, the Foundation made an official request to be able to conduct consultations on the premises of the center where foreigners are accommodated, which would allow for better identification of problems and persons in need of legal support. However, the request was rejected.

According to reports prepared by the National Mechanism for the Prevention of Torture, problems with access to information and legal assistance occurred at the guarded centre for foreigners in Przemyśl and in several controlled detention rooms at border guard posts. The reporters noted that in many cases, regardless of their preferred language, foreigners were given forms and statements to sign in Polish (even though they do not speak it) or in another language they did not understand²⁸. In addition, in some facilities, contact details for human rights institutions and organisations were not made available or were only available in Polish²⁹. The issue of contact with

²⁶ Office for Foreigners, [Proceedings concerning international protection after the third quarter of 2025](#), 16.10.2025.

²⁷ [Regulation of the Minister of Internal Affairs and Administration of 2 December 2025 on the introduction of a temporary ban on staying in a specific area in the border zone adjacent to the state border with the Republic of Belarus \(Journal of Laws, item 1689\)](#).

²⁸ National Mechanism for the Prevention of Torture, [Report of the National Mechanism for the Prevention of Torture on the visit to the Detention Centre and Centre for Foreigners in Przemyśl](#), no. KMPT.572.3.2025.AG, 03.09.2025 (hereinafter: „Visit in Przemyśl”); National Mechanism for the Prevention of Torture, [Report of the National Mechanism for the Prevention of Torture on the visit to detention facilities of the Podlasie Border Guard Unit in Mielnik, Narewka, Czeremcha and Dubicze Cerkiewne](#), no. KMPT.572.2.2025.AN, 10.06.2025 (hereinafter: „Visit in Mielnik, Narewka, Czeremcha and Dubicze Cerkiewne”); National Mechanism for the Prevention of Torture, [Report of the National Mechanism for the Prevention of Torture on visits to facilities of the Nadwiślański Border Guard Unit](#), no. KMPT.570.6.2025.pb, 13.11.2025 (hereinafter: „Visit in Nadwiślański Border Guard Unit”).

²⁹ Visit in Mielnik, Narewka, Czeremcha and Dubicze Cerkiewne op.cit.





a lawyer is also problematic, as the rooms where meetings take place are monitored or have one-way mirrors³⁰.

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)

In 2025, we observed that in most cases, the foreigners are not given copies of court decisions ordering their placement in detention in a language they understand. According to art. 251 § 4 and art. 72 § 3 of the Code of Criminal Procedure, which is applied in such cases, the appeal can be made within 7 days of delivery of a copy of a translated decision. However, some courts which place migrants in detention centers, tend not to provide a translation on paper and start counting the deadline since a hearing during which the oral translation is provided (such practice was observed for example in Regional Court in Bielsk Podlaski, Division in Hajnowka).

The aforementioned reports of the National Mechanism for the Prevention of Torture also indicated that there was a problem with the availability of interpreters and translations in the inspected centres and facilities, as a result of which border guards or other detained foreigners performed translations, including in cases of contact with a psychologist, doctor or lawyer³¹.

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 2025.

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 inputs to the report in 2023 and in 2024, 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. They cover situations of illegal crossings of the border allowing Border Guards to return a foreigner to the border line, which is *de facto* a pushback.

The new legal solution in the form of suspending the right to asylum did not establish a separate procedure but only obliged the Border Guards to refuse to register an application for international protection. The refusal is not linked to the issuance of a written decision or the possibility of appeal. The only assessment carried out by the authority concerns whether the person requesting protection belongs to one of the so-called special groups listed in the Act, which can successfully submit an application. However, this is not a formalised procedure either and is based on the

³⁰ Visit in Przemyśl op.cit., Visit in Nadwiślański Border Guard Unit op.cit.

³¹ Visit in Przemyśl op.cit., Visit in Nadwiślański Border Guard Unit op.cit.





arbitrary assessment of an authority that is not competent to assess the age or health of a given foreigner.

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)

We have received information that, due to significant delays in the activities undertaken by the Office for Foreigners (responsible, among other things, for conducting interviews with foreigners, issuing decisions, issuing identity documents and funds for independent accommodation), persons undergoing the procedure often receive their benefits late and the issue of documents has become problematic. Foreigners undergoing the procedure may take up legal employment six months after the start of the procedure. At that point, the Head of the Office issues an appropriate certificate which, together with the foreigner's temporary identity certificate, entitles them to work. However, a problem arose because the temporary identity certificate had to be replaced every 6 months, but in many cases the waiting time for a new document took about 2-3 months, which made it impossible to work legally during that period.

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 Poland there are currently five detention centres for foreigners are dedicated for single men – in Biała Podlaska, Białystok, Przemyśl, Kętrzyn and Lesznowola. The last two are facilities for persons with disabilities and families, and for unaccompanied minors, respectively.

In the months of January to September 2025, the following numbers of persons were held in guarded centres and in the custody facility for foreigners³²:

January – 612

February – 564

March – 550

April – 474

May – 572

June – 748

July – 953

³² Data received from Chief Commander of Border Guard as a response to request for public information [30.09.2025] no. KG-OI-VIII.0180.192.2025





August – 1 061

September – 1 099

According to the § 11(1a) of the Regulation of the Minister of Internal Affairs on guarded centres and detention facilities for foreigners³³, in case of necessity to place a large number of foreigners in a detention centre at the same time, it is possible to place a foreigner for a limited period not exceeding 12 months in a room whose area is smaller than 4 sq.m but not less than 2 sq. Since June 2025 it was observed that in all centres the room area designated for individuals was below the 4 sq.m threshold³⁴. The authorities increased the capacity of the centers by creating spaces in residential **containers**, namely 224 places. Thus, as of 26 September 2025, the number of places available in the detention centres was 1,167, compared to 805 as of 31 December 2024.

The Polish Ombudsman made an intervention regarding this issue pointing out that the detention centres are close to reach their maximum capacity and it is of concern that the enforced solution provides for successive accommodating of foreigners until a minimum area of 2 sq.m is reached³⁵. It has been raised that the current minimum is lower than international and national standards and poses a genuine risk to the safety of foreigners. The Minister of Internal Affairs, in his response, raised that the set minimum refers to the space intended solely for a dormitory and not to the entire living space available to a foreigner in the center, therefore it should not be compared to standards in penitentiary units.

Our organisation's experience and statistics provided by courts show that detention of foreigners is applied almost automatically, once requested by the Border Guard, despite the fact that deprivation of liberty is recognised by law as a measure of last resort. In 2025, the statistics on the acceptance of Border Guard's requests to place foreigners in guarded centres remained at the level of 96-100%, while in the case of requests for extension of detention, the acceptance rate ranged from 87% to 100%³⁶. In the Regional Court in Białystok, which examines a significant number of complaints regarding unjustified placement in detention or its extension, the practice remains highly restrictive. In 2025, none of the 107 complaints filed by detainees or their lawyers were successful³⁷.

³³ [Regulation of the Minister of Internal Affairs of 24 April 2015 on guarded centres and detention facilities for foreigners, Journal of Laws of 2023, item 719.](#)

³⁴ Data received from Chief Commander of Border Guard as a response to request for public information [30.09.2025] no. KG-OI-VIII.0180.192.2025

³⁵ The Ombudsman, [The issue of capacity in secure centres for foreigners. Response from the Ministry of the Interior and Administration](#), 01.10.2025.

³⁶ Information based on the analysis of information received by HFHR from district and regional courts in procedure of access to public information covering the period of January to November 2025. The data covers information received from District Courts in: Lublin-Zachód, Suwałki, Szczecin Prawobrzeże i Zachód, Zgorzelec, Żary, Tarnowskie Góry, Wrocław Fabryczna, Słubice, Grójec, Bielsk Podlaski, Biała Podlaska, Kętrzyn, Przemysł.

³⁷ Data received from the President of the Regional Court in Białystok as a response to request for public information [25.11.2025] no. A.0123.175.2.2025. It covers the period of 1 January 2025 to 14 November 2025.





Regarding the district (1st instance) and regional (2nd instance) court in Białystok, Helsinki Foundation for Human Rights has noticed the issue of automatic detention and the generic nature of the justifications provided by these courts. An analysis of their case law has revealed a single basic template for detention orders, which does not contain any individualising circumstances. These orders are almost always upheld by the regional court in Białystok, whose rulings also contain recurring passages, raising concerns that this court, likewise, does not take into account the circumstances that individualise particular cases.

In other regional courts, the statistics on the successful appeals against detention or its extension in 2025 were as follows:

- in the Regional Court in Lublin - out of 83 appeals lodged by foreigners or their representatives, 15 appeals were upheld³⁸,
- in the Regional Court in Olsztyn - out of 44 complaints lodged by foreigners or their representatives, 3 complaints were upheld³⁹,
- in the Regional Court in Radom – out of 111 complaints lodged by foreigners or their representatives, 4 complaints were upheld⁴⁰.

It is also worth noting that in 2025 in none of the courts were foreigners ever brought to a court hearing at which an appeal was considered.

In the aforementioned report of the national torture prevention mechanism on its visit to the guarded centre for foreigners in Przemyśl, the following problematic issues were identified: (-) lack of an effective tool for identifying persons who have experienced torture and other forms of violence, (-) the use of coercive measures in the form of isolation rooms without accurately recording the duration of their use, (-) lack of confidentiality of medical examinations due to the presence of border guards, (-) conducting personal searches in rooms that do not ensure privacy, (-) addressing detainees by their identification number instead of their name⁴¹.

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)

In July 2025 the Ministry of Internal Affairs and Administration has submitted a draft amendment to the Act on Protection for consultation. The amendment would add new grounds for

³⁸ Data received from the President of the Regional Court in Lublin as a response to request for public information [20.11.2025] no. A.0123.204.2025. It covers the period of 1 January 2025 to 12 November 2025.

³⁹ Data received from the President of the Regional Court in Olsztyn as a response to request for public information [25.11.2025] no. A.0123.182.2025. It covers the period of 1 January 2025 to 12 November 2025.

⁴⁰ Data received from the President of the Regional Court in Radom as a response to request for public information [04.12.2025] no. A.0123.118.2025. It covers the period of 1 January 2025 to 30 November 2025.

⁴¹ Visit in Przemyśl op.cit.





discontinuing proceedings for granting international protection – in cases where this is not contrary to the public interest and the applicant has implicitly withdrawn their application for international protection. According to the proposed amendment, an application for international protection is considered to have been implicitly withdrawn if the applicant has refused to provide the information necessary to establish the facts or has refused to provide evidence confirming the circumstances indicated in the justification for the application. The Ombudsman⁴² assessed the changes critically, pointing out that the new grounds are discretionary and subjective, which may lead to arbitrary decisions.

The suspension of deadlines for resolving cases concerning the granting of international protection in proceedings conducted by the Head of the Office for Foreigners continues to be extended; proceedings that have not yet commenced are not commenced, and those that have commenced are suspended. The extension shall remain in force until 4 March 2026. During this period, the provisions enabling an authority to be held liable for its inaction or delay shall also not apply⁴³.

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

No further developments noted in 2025.

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

No further developments noted in 2025.

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)

In January 2025, the Ombudsman and the Ombudsperson for Children issued a joint statement to the Prime Minister to initiate legislative changes to ensure more effective protection of the rights of unaccompanied foreign minors staying in Poland. The highlighted main problems concerning unaccompanied refugee children crossing the Polish-Belarusian border relate to the lack of adequate legal representation in Polish legal proceedings, the lack of an appropriate method of verifying the age of a child without identity documents (the chronological age of a foreigner is determined solely on the basis of an X-ray examination of the wrist), cases of detention of children (admissibility of detention under Polish law – the Act on Protection excludes only unaccompanied foreign minors staying in the territory of the Republic of Poland, while the Act on Foreigners excludes only those unaccompanied minors who are under 15 years of age.). The Ombudsman and the Ombudsperson for Children also expressed their opinion on the need to create a new type of

⁴² The Ombudsman, [Opinion on the draft law on the participation of the Republic of Poland in the European Travel Information and Authorisation System](#), 13.08.2025.

⁴³ Art. 100da of the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict in the territory of that country (i.e. Journal of Laws of 2025, item 337)





emergency care and educational facility exclusively for unaccompanied foreign minors and adapted to their needs⁴⁴.

In October 2025, the Ombudsperson for Children addressed the Ministry of Family Affairs regarding the unequal treatment of foreign minors. It was pointed out that children staying in Poland on the basis of a residence permit for humanitarian reasons (a permit granted in deportation proceedings, ensuring compliance with the principle of *non-refoulement* and granted for an indefinite period) are not covered by regulations on family support, social assistance and maintenance fund benefits. In its response, the Ministry indicated that changes in this area could disrupt the coherence of migration policy, as the purpose of a residence permit on humanitarian grounds is different from international protection and does not establish a stable residence status and connection with the Polish system⁴⁵.

In the context of children, the issue of suspending the right to apply for international protection also remains problematic. The list of vulnerable groups from whom applications for international protection are accepted only includes unaccompanied minors when it comes to children. Children travelling with guardians are therefore excluded from this exception. At the time of writing this report, we are aware of one case in which a family travelling with their 6-year-old daughter was refused registration of their application for international protection, deportation proceedings were initiated against them, and they were placed in detention. This problem has been highlighted by the Ombudsman and the Ombudsperson for Children⁴⁶, but no legislative changes have been made in this regard. According to We Are Monitoring (WAM) – organization providing aid and collecting data on border humanitarian crisis – in the period from January to the end of September 2025 they received 227 requests for support from minors stranded in Belarus or on the Polish-Belarusian border. As many as 191 of these minors were travelling without a legal guardian. Moreover, in the same period, WAM received information about 40 minors who experienced violence at the hands of Belarusian security forces⁴⁷.

In Poland, as in the previous input to the report, we have observed the practice of determining the age of foreigners on the basis of medical examinations that do not provide information allowing for the verification and correct interpretation of the results obtained. Experience shows that a medical opinion assessing the age of the examined person as over 18, even if it does not contain any justification or information about the margin of error of the method used, is accepted uncritically, among others, by Border Guard officials or judges. There is also no appeal procedure on age assessment. It should be noted that the correct determination of whether a person is a minor will directly condition whether the public authorities treat them in a manner that guarantees

⁴⁴ The Ombudsman, [Problems of unaccompanied foreign children crossing the Polish border from Belarus. Letter from the Ombudsman and the Ombudsman for Children to the Prime Minister. Response from the Ministry of the Interior and Administration](#), 30.01.2025.

⁴⁵ The Ombudsperson for Children, [Consent for children to stay in Poland on humanitarian grounds](#), 29.10.2025.

⁴⁶ [Joint statement by the Ombudsman and the Children's Ombudsman to the Prime Minister on the situation on the Polish-Belarusian border](#), 05.08.2025.

⁴⁷ We Are Monitoring, [Children at the Polish-Belarusian border. January-September 2025](#).





respect for their status as a child. In 2025, HFHR represented two children who were considered as adults and placed in detention centres.

As a result of the incomplete and imprecise application of the age assessment method, standards protecting minors from being placed in detention are violated. On 4 November 2025, the Regional Court in Białystok issued a judgment (no. III Ko 314/25)⁴⁸ awarding compensation to a foreigner who, despite being an unaccompanied minor, had been placed in detention for around 1 month. The foreigner had evidence confirming his age, but an X-ray of his wrist was carried out and he was deemed to be an adult without any margin of error being indicated in the test results. On December 9, 2025, the District Court in Siedlce issued a ruling on the case brought by a minor who spent 2 months in detention centre in Biała Podlaska and then was released by the Border Guards as his identification was confirmed by the Embassy (no. II Ko 160/25).

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)

Regarding the displaced persons from Ukraine, as mentioned in the point 1.B., there have been relevant changes concerning also collective accommodation sites, access to social benefits and healthcare services.

From 1 November 2025, stay in collective accommodation centers will only be possible for Ukrainian citizens who have a PESEL UKR (an identification number assigned during registration as a beneficiary of temporary protection in Poland) and who belong to the category of particularly vulnerable persons specified in the Act⁴⁹. These are:

1. minors with a Polish disability certificate – provided that their guardian does not receive a care allowance,
2. adults with a certified severe or moderate degree of disability (based on a Polish certificate),
3. elderly persons – women over 60 and men over 65, provided that they do not receive a Polish pension,
4. pregnant women or persons raising a child up to 12 months of age,
5. persons caring for three or more children in Poland, at least one of whom is under 7 years of age,
6. minors in foster care for whom no child benefit is received,
7. temporary guardians appointed for minors,
8. adult students of secondary schools providing full-time education, no longer than until the end of the school year in which they reach the age of 20,
9. persons immediately after hospitalisation financed by the state, lasting at least 7 days, no longer than until the cause ceases to exist,
10. persons who have paid in advance part of the costs of assistance in the amount of PLN 15 per person per day in the case of a stay of: (-) a minor for whom a child benefit is received, (-) a retiree who receives a Polish retirement benefit.

⁴⁸ The judgement is not final as of the time of preparing this input.

⁴⁹ Art. 12(17c) of the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict in the territory of that country (i.e. Journal of Laws of 2025, item 337).





From 30 September 2025, it is also possible to immediately evict a Ukrainian citizen from a collective accommodation center if they: 1) repeatedly violate the internal rules of the center, 2) consume alcohol, use intoxicants or use physical or psychological violence against other people; 3) they fail to meet their obligation to contribute to the costs of their stay⁵⁰.

In the case of access to the universal child benefit 800+ (PLN 800 per child), the existing conditions of residence in Poland with a minor child and the fulfilment of the child's educational obligation have been supplemented by the requirement to demonstrate the guardian's professional activity. Professional activity within the meaning of this amendment includes, among other things (the entire complex definition of professional activity can be found in the Article 2(1a) of the Act of 11 February 2016 on state aid for raising children, Journal of Laws of 2024, item 1576, amendments to which will come into force on 1 February 2026.):

1. being subject to compulsory pension and disability insurance,
2. conducting non-agricultural business activity,
3. receiving certain benefits: maternity, sickness, care, compensatory or rehabilitation benefits,

- however, it is required that the basis for calculating pension and disability insurance contributions or the amount of the benefit, allowance or remuneration be no less than 50% of the minimum wage (as of 1 January 2026, the minimum wage in Poland is PLN 4,806 gross, that is ca. 1,137 EUR).

This provision does not apply to minors with a disability certificate, including moderate or severe disability, issued on the basis of a Polish certificate - in such a situation, the carer does not have to demonstrate professional activity in order to obtain the benefit.

The rules for using state-subsidised healthcare for people over 18 have also changed. From 30 September 2025, adult citizens of Ukraine will not have access to state-funded services in areas such as:

1. sanatorium treatment and sanatorium rehabilitation,
2. medical rehabilitation,
3. dental treatment,
4. emergency access to drug technologies,
5. endoprosthetics and cataract removal,
6. healthcare services involving the transplantation or use of cells in humans, including haematopoietic cells from bone marrow, peripheral blood and umbilical cord blood, tissues and organs from living donors or cadavers.

13. Return of former applicants for international protection

In June 2025, there was a change in the Border Guard's existing practice regarding countries to which deportations are not carried out. Until then, an internal document containing a list of countries to which deportations are not carried out was in force - it included Afghanistan, Eritrea, Ethiopia, Yemen, Somalia, Syria and Venezuela, and previously also Palestine and Sudan. This year, the above-mentioned countries were removed from the list, which has no formal consequences,

⁵⁰ Art. 12(17k) of the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict in the territory of that country (i.e. Journal of Laws of 2025, item 337).





but is of significant importance in practice. The existence of the list made it possible to limit the detention of foreigners whose deportation should not be possible due to generally acknowledged threats in their country of origin, as the courts generally recognised the existence of the list as proof that deportation is not possible and that the foreigner is likely to receive international protection.

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 2025 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

Judgement of the Regional Court in Białystok of 17 July 2025, no. III Ko 383/22⁵¹

This is the first case in Poland of a court awarding compensation for the wrongful detention of a foreign national and his expulsion across the Polish-Belarusian border. The ruling concerns two Afghan citizens who crossed the border illegally in August 2021 and were subsequently detained at a Border Guard facility without being allowed to contact a lawyer or interpreter and without being given any explanation for their detention. The foreigners were then transported to the border and forced to cross it into Belarus. The court found the detention to be undoubtedly unjustified and awarded PLN 5,000 in compensation for the harm suffered by each of the foreigners during their detention, confirming that the actions taken at the Polish-Belarusian border are unlawful and should result in the state being held liable. An appeal challenging the amount awarded was lodged on behalf of the foreigners following the judgment.

Judgement of the Voivodship Administrative Court in Białystok of 7 October 2025, no. II SA/Bk 1221/25⁵²

The Voivodship Administrative Court in Białystok issued a ruling concerning push-back of a Sudanese asylum seeker enforced on the basis of new provisions restricting right to asylum in Poland (Article 33b of the Act on Protection). The court dismissed the complaint, holding that the legislator may restrict non-refoulement rule where a foreigner “voluntarily becomes part of an organised group” violating border law, and that conduct perceived as abusive or contrary to the purpose of international protection does not merit protection. The court argued that such behaviour constitutes an abuse of rights incompatible with the rule of law and that *non-refoulement* principle applies only to those acting in good faith. HFHR representing the asylum seeker, filed a cassation appeal, and the forthcoming second-instance ruling may set a precedent for all future cases under the new regulation.

⁵¹<https://interwencjaprawna.pl/wp-content/uploads/2021/01/wyrok-SO-Bialystok.-zadosuczynienie-za-pushback.pdf>

⁵² [Judgement of the Voivodship Administrative Court in Białystok issued on 07.10.2025, no. II SA/Bk 1221/25.](#)





Analogous judgements were issued in the following cases: Judgement of the Voivodeship Administrative Court in Białystok of 23 October 2025, no. II SA/Bk 1284/25, Judgement of the Voivodeship Administrative Court in Białystok of 20 November 2025, no. II SA/Bk 1285/25. In these cases, the HFHR also lodged cassation appeals against the negative judgments dismissing the complaints.

Judgement of the Regional Court in Białystok of 4 November 2025, no. III Ko 314/25

The court in Białystok awarded a compensation to a foreigner who, despite being an unaccompanied minor, had been placed in detention. The foreigner had evidence confirming his age, but an X-ray of his wrist was carried out and he was deemed to be an adult without any margin of error being indicated in the test results. He spent over a month in border guard stations and detention center for adults. The court awarded him 12,000 PLN.

16. Other important developments in 2025

On 8 September 2025, a verdict was delivered in the case of the so-called ‘Hajnówka Five’, which had been ongoing since 2022 and became one of the most notorious examples of the criminalisation of aid activities on the Polish-Belarusian border. The District Court in Hajnówka acquitted five activists who had provided migrants with food, clothing and shelter on the Polish-Belarusian border and transported members of a migrant family a short distance near the border. In its oral justification, the court clearly emphasised that such activities do not constitute a crime⁵³. The judgement is not final.

In a case brought by the HFHR concerning the beating and pushback of an Afghan citizen by Polish border guards, in which the prosecutor's office refused to initiate an investigation into the suspected crime, the court ordered the prosecutor's office to conduct evidentiary proceedings and determine the circumstances of pushback⁵⁴.

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2025:
 - a. <https://hfhr.pl/aktualnosci/opinia-hfpc-dotyczaca-tzw-ustawy-wygaszajacej-pakiet-pomocy-uchodzcom-z-ukrainy,l:146346447>
 - b. <https://hfhr.pl/aktualnosci/hfpc-pisze-do-rady-europy-w-sprawie-niewykonywania-przez-polske-wyrokow-etpcz-dot-migrantow,l:146346447>
 - c. <https://hfhr.pl/aktualnosci/apel-organizacji-spoecznych-o-wzmocnienie-proceduralnych-aspektow-miedzynarodowej-ochrony-praw,l:146346447>

⁵³ Helsinki Foundation for Human Rights, [The ‘Hajnówka Five’ acquitted](#), 08.09.2025.

⁵⁴ Helsinki Foundation for Human Rights, [The court ruled that the prosecutor's office must investigate the pushback case](#), 02.06.2025.





- d. <https://hfhr.pl/aktualnosci/hfpc-do-mswia-przedluzenie-zakazu-przebywania-w-strefie-nadgranicznej,l:146346447>
- e. <https://hfhr.pl/aktualnosci/negatywna-opinia-hfpc-dot-wniosku-premiera-o-przedluzenie-okresu-zawieszenia-prawa-do-ubiegania,l:146346447>
- f. <https://hfhr.pl/aktualnosci/stanowisko-zarzadu-dotyczace-ograniczenia-prawa-do-ubiegania-sie-o-ochrone-miedzynarodowa,l:146346447>
- g. <https://hfhr.pl/aktualnosci/rozporzadzenie-zawieszajace-prawo-do-ochrony-miedzynarodowej,l:146346447>
- h. <https://hfhr.pl/aktualnosci/apelujemy-do-prezydenta-dudy-o-zawetowanie-ustawy-zawieszajacej-prawo-do-azylu-,l:146346447>
- i. <https://hfhr.pl/aktualnosci/opinia-hfpc-przedluzenie-zakazu-przebywania-w-strefie-nadgranicznej,l:146346447>
- j. <https://hfhr.pl/aktualnosci/czerwona-kartka-dla-rzadowego-planu-implementacji-strategii-migracyjnej,l:146346447>

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